



# Being an Active Citizen

Law, Government and Community Engagement in BC

**Grade 11 Resource Package**

## Acknowledgments

The Justice Education Society of BC prepared this resource for educators, particularly those teaching Grade 11 Social Studies in BC schools. *Being an Active Citizen* includes materials on three important components: law, government and community engagement. The main goal of the program is for students to become more involved and active citizens in their communities. Similar resources were prepared for Grade 7, 8, 9 and 10 as part of a comprehensive program on active citizenship throughout the grades.

The Society gratefully acknowledges the many people who participated in the development of this resource including the members of the Advisory Committee, the experienced teachers who wrote the material, the energetic teachers who piloted the program and the dedicated students who took part in the pilot and worked hard to become more active citizens.

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### Statement of Limitation

The information in this program is very general. It is not intended to provide or replace legal advice.

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## Table of Contents

### Introduction

Lesson Framework .....	1
Lesson Content .....	1
Information for the Teacher .....	2
Integrated Resource Package: Prescribed Learning Outcomes .....	3
Resources .....	4

### Unit One ~ Government

Lesson 1: Federal, Provincial and Local Government .....	5
Lesson 2: Branches of Government .....	18
Lesson 3: The Federal Legislative Process .....	27
Lesson 4: Federal Political Parties and Ideologies .....	38
Lesson 5: Federal Elections and the Electoral Process .....	49

### Unit Two ~ Law

Lesson 6: The Federal Court and the Supreme Court of Canada .....	56
Lesson 7: Criminal Law, Criminal Court and <i>Criminal Code of Canada</i> .....	66
Lesson 8: Sentencing, Restorative Justice and Appeals .....	86
Lesson 9: <i>Canadian Charter of Rights and Freedoms</i> - Legal Rights.....	96
Lesson 10: Canadian Citizenship Rights and Responsibilities .....	105
Lesson 11: International and Environmental Law .....	117

### Unit Three ~ Community Engagement

Lesson 12: Civic Rights and Responsibilities .....	133
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# Introduction to the Grade 11 Program

## Becoming an Active Citizen

### Learning about law, government and community engagement.

This resource is designed for use in the Grade 11 Social Studies program but can be adapted or modified to fit in other grade levels and courses. The units and lessons are designed to allow maximum flexibility to help you meet the prescribed learning outcomes found in the Social Studies 11 IRPs. These lessons are a component of a larger body of work for Grades 7-11 Social Studies and share the common threads of community engagement, law and government. Each unit is comprised of several lessons and each lesson contains several activities.

## LESSON FRAMEWORK

Each lesson includes objectives, basics for the teacher, vocabulary (if any), student handouts, instructions for the teacher, activity sheets, assessment ideas, extension activities and resources.

**Overview:** This is a short statement that describes the purpose of the lesson.

**Objectives:** These are learning goals that the student should achieve by the end of the lesson.

**Basics for the Teacher:** This section provides information that is needed to make the lesson a success.

**Student Handouts:** These are the resources that were designed specifically for your lesson so as to engage your students in their learning. They can easily be photocopied or modified to suit your needs. Each lesson number is identified on the page and is organized by activity.

**Instructions for Teacher:** Each lesson will provide you with step-by-step instructions on how to create a successful lesson and ways to appeal to a variety of different learning modalities. Supplementary materials and answer keys are included for all of the activities.

**Assessment:** There are a great many assessment opportunities throughout the lessons. The students'

understanding of the information should dictate the pace of your lesson. Much of the activities provide opportunity for critical reflection, discussion and student participation.

There are also opportunities for summative assessments, where you can assign marks to assignments such as reflections or quizzes. Students can also self and/or peer-evaluate. Many of the activities include active discussion and reflection to encourage active participation in the learning and assessment process.

**Extension Activities:** These are extra opportunities for you and your class that can be used to promote deeper inquiry. They can also be used as enrichment activities for honours or gifted students.

## LESSON CONTENT

### Unit One ~ Government

#### Lesson 1: The Three Levels of Government

This lesson explores the relationship between the federal, provincial and local levels of government in Canada. Students will have an opportunity to explore the impact these levels of government have on our rights, responsibilities, public services, safety and governance. Students will specifically examine the issue of how the three levels provide services on common national problems.

#### Lesson 2: The Branches of Government

In this lesson, students will learn about the three branches of government. The activities include a Web Quest, vocabulary, chart and creative writing piece. Students will have the opportunity to understand the process used to pass legislation in our Parliament. This is particularly important preparation for the mock parliament activity in Lesson 3.

#### Lesson 3: How Does a Bill Become a Law?

This lesson allows students to work through the parliamentary process by participating in a mock parliament. Students will role play, research proposed bills, debate, run committees and balance a budget. Students will apply some of the concepts, vocabulary and understandings gathered in the previous lessons about parliamentary government.

#### **Lesson 4: Political Parties and Ideologies**

This lesson is focused on developing knowledge of and understanding about the core political ideologies as they evolved in the 20<sup>th</sup> century. The lesson is not intended to go into significant depth on each ideology but to expose students to the range of political ideas that have some currency in modern politics. The lesson is also expected to aid in the refinement of existing political views held by the students in your class.

#### **Lesson 5: Federal elections and the electoral process**

In this brief lesson students are introduced to the processes and procedures of a federal election. Students will uncover word clues, develop a key term list and find the key terms in a word search. Opportunity is available to target specific concepts or issues for further discussion.

### **Unit Two ~ Law**

#### **Lesson 6: The Supreme Court of Canada**

This unit begins our examination of Canada's legal system with a review of key components and responsibilities of Canada's federal courts. The lesson will examine the function and responsibilities assigned to the various federal courts, with specific emphasis on the Supreme Court of Canada. The lesson examines the concept of judicial independence and its significance to the integrity of our court system.

#### **Lesson 7: Criminal Law and Our Criminal Courts**

In this lesson, students will be introduced to BC's court system, basic principles of criminal law and the *Criminal Code of Canada*. Students begin with some basic background research on the law courts and criminal and civil procedures. The elements of criminal law and criminal defences will also be discussed.

#### **Lesson 8: Sentencing, Restorative Justice and Appeals**

In this lesson, students will learn about Canada's system of justice, with particular emphasis on the principles of sentencing, sentencing alternatives, purposes of sentencing and the constraints placed on the justice system.

#### **Lesson 9: Our Legal Rights**

In this series of activities, students will be asked to critically examine issues of legal rights, particularly as they relate to search and seizure on school premises. The first two activities build a base of knowledge about the legal rights contained in the *Charter* and how the *Charter* is applied to cases. In activity three the students read three precedent-setting cases and prepare a school policy for lawful searches and student expectations of privacy.

#### **Lesson 10: Citizenship Rights and Responsibilities**

Lesson 10 examines the issue of citizenship in its current and historic contexts. Students investigate the voyage of the Komagata Maru, take a citizenship test and discuss the nature of citizenship.

#### **Lesson 11: International and Environmental Law**

This lesson will introduce students to the concept of international law, dispute resolution and international human rights. Students will be introduced to the International Court of Justice, International Criminal Court (ICC) and two International Criminal Tribunals (Yugoslavia and Rwanda) in order to gain some insight into the operation of the ICC and why it is needed to address these atrocities. Environmental law will be examined by an investigation and discussion around the issue of carbon credits, the Kyoto Accord and our capacity to impact carbon emissions.

### **Unit Three ~ Community Engagement**

#### **Lesson 12: Your Civic Footprint**

This unit is designed to bring together many of the elements taught over the course of units one and two, thereby creating a mindset for civic advocacy and action. In studying about law and government, the lessons create a base of understanding but it is in action that we preserve, protect and reform society. This is the focus of Unit 3.

### **INSTRUCTIONS FOR THE TEACHER**

This unit includes everything you will need to teach all 12 lessons. Each lesson can stand on its own and can be used at any time during your teaching in the school year. But if the program is used in whole, students will gain a well-rounded examination of Cana-

dian government, law and active citizenship. Each lesson has all that you will need, from black line masters, instructions, basics for teachers and students and activity sheets. You will not need outside research, but additional research will enhance your understanding of the material provided. You can contact community based organizations to see if a speaker could come and speak to your class. Some contact information is provided in the resource listing. Use these outside resources to diversify the unit, make adaptations to the unit or offer enrichment opportunities.

## INTEGRATED RESOURCE PACKAGE: PRESCRIBED LEARNING OUTCOMES

This lesson aid supports the following prescribed learning outcomes from the Social Studies 8 curriculum (1997).

### Skills and Processes of Social Studies

It is expected that students will:

- Apply critical thinking, including questioning, comparing, summarizing, drawing conclusions, and defending a position and be able to make reasoned judgments about a range of issues, situations, and topics.
- Demonstrate effective research skills, including accessing information, assessing information, collecting data, evaluating data, organizing information, presenting information and citing sources.
- Demonstrate effective written, oral, and graphic communication skills.
- Demonstrate skills and attitudes of active citizenship, including ethical behaviour, open mindedness, respect for diversity, and collaboration.

### Politics and Government

It is expected that students will:

- Demonstrate understanding of the political spectrum.
- Explain how Canadians can effect change at the federal and provincial levels.
- Explain how federal and provincial governments are formed in Canada.
- Describe major provisions of the Canadian constitution, including the *Canadian Charter of Rights and Freedoms*, and assess its impact on Canadian society.

### Autonomy and International Involvement

It is expected that students will:

- Describe Canada's evolution as a politically autonomous nation.
- Assess Canada's participation in world affairs with reference to human rights.

### Society and Identity

It is expected that students will:

- Describe the role of women in terms of social, political, and economic change in Canada.
- Assess the impact of the conscription crises, Quebec nationalism, bilingualism, and regionalism on Canadian unity.

## RESOURCES

[www.amnesty.ca](http://www.amnesty.ca)

Amnesty International - Canada

[www.bced.gov.bc.ca](http://www.bced.gov.bc.ca)

Civic Studies 11 Resource Package

[www.cbc.ca/passionateeyesunday/feature\\_050108.html](http://www.cbc.ca/passionateeyesunday/feature_050108.html)

*Shake Hands with the Devil*, CBC

[www.cic.gc.ca](http://www.cic.gc.ca)

Citizenship and Immigration Canada

[www.courtsofbc.ca](http://www.courtsofbc.ca)

Courts of BC contains videos, teacher's guide and student handouts.

[www.courts.gov.bc.ca](http://www.courts.gov.bc.ca)

Official website of BC Courts.

[www.climateactionnetwork.ca/](http://www.climateactionnetwork.ca/)

Climate Action Network - Canada

[www.davidsuzuki.org/climate\\_change/kyoto/](http://www.davidsuzuki.org/climate_change/kyoto/)

David Suzuki Foundation – Kyoto Protocol

[www.dera.bc.ca/](http://www.dera.bc.ca/)

The Downtown Eastside Residents' Association (DERA) is a community-directed, charitable society formed in 1973 by residents of Vancouver's Downtown Eastside. Located in the poorest urban neighbourhood in the nation, DERA has fought for 36 years to focus the attention of government, industry and the public on the key components of poverty and homelessness.

[www.ec.gc.ca/doc/ed-es/KPIA2009/s1\\_eng.htm](http://www.ec.gc.ca/doc/ed-es/KPIA2009/s1_eng.htm)

Canada's Kyoto Protocol Targets and Obligations

[www.elections.ca](http://www.elections.ca)

Elections Canada

[www.nationalarchives.gov.uk/cabinetpapers/themes/before-after-wolfenden-report.htm](http://www.nationalarchives.gov.uk/cabinetpapers/themes/before-after-wolfenden-report.htm)

*Before and After the Wolfenden Report*, UK National Archives

[www.freedomhouse.org](http://www.freedomhouse.org)

Freedom House, a non-profit, nonpartisan organization, is a clear voice for democracy and freedom around the world.

[www.freethechildren.com](http://www.freethechildren.com)

Free The Children is the world's largest network of children helping children through education, with more than one million youth involved in innovative education and development programs in 45 countries.

[www.genocidewatch.org](http://www.genocidewatch.org)

Genocide Watch exists to predict, prevent, stop, and punish genocide and other forms of mass murder.

[www.icc-cpi.int](http://www.icc-cpi.int)

International Criminal Court

[www.icj-cij.org](http://www.icj-cij.org)

International Court of Justice

[www.ict.org](http://www.ict.org)

International Criminal Tribunal for Rwanda

[www.johnhoward.ab.ca](http://www.johnhoward.ab.ca)

The John Howard Society of Alberta is a non-profit agency concerned with the problem of crime and its prevention.

[www.justice.gc.ca](http://www.justice.gc.ca)

Department of Justice Canada

[www.justiceeducation.ca](http://www.justiceeducation.ca)

Justice Education Society of BC

[www.keele.ac.uk/depts/por/ptbase.htm](http://www.keele.ac.uk/depts/por/ptbase.htm)

The Keele Guide to Political Thought and Ideology on the Internet.

[www.komagatamaru.ca](http://www.komagatamaru.ca)

Komagata Maru Heritage Foundation

[www.laws.justice.gc.ca/en/C-46/](http://www.laws.justice.gc.ca/en/C-46/)

*Criminal Code of Canada*

[www.lexum.umontreal.ca](http://www.lexum.umontreal.ca)

LexUM - a legal technology lab - offers solutions and services and conducts advanced research in order to identify the best uses of technology to provide efficient access to legal material.

[www.lincsociety.bc.ca](http://www.lincsociety.bc.ca)

The acronym L.I.N.C. stands for Long-term Inmates Now in the Community. It is a self-help group run by ex-offenders, the only one of its kind in Canada. It is comprised of long-term and/or chronic offenders, parolees, spouses, other family members, friends and community volunteers.

[www.nationalpost.com/news/story.html?id=1889858](http://www.nationalpost.com/news/story.html?id=1889858)

"Ottawa considers mandatory minimum for financial crime" by Mike De Souza. *National Post*, 13 August 2009.

[www.parl.gc.ca](http://www.parl.gc.ca)

The Parliament of Canada

[www.provincialcourt.bc.ca](http://www.provincialcourt.bc.ca)

Provincial Court of BC

[www.punjabonline.com](http://www.punjabonline.com)

Punjab Online

[www.scc-csc.gc.ca](http://www.scc-csc.gc.ca)

Supreme Court of Canada

[www.statcan.gc.ca](http://www.statcan.gc.ca)

Statistic Canada

[www.toskanfoundation.org](http://www.toskanfoundation.org)

[www.un.org](http://www.un.org)

United Nations

[www.unfccc.int/kyoto\\_protocol/items/2830.php](http://www.unfccc.int/kyoto_protocol/items/2830.php)

Kyoto Protocol

[www.zerofootprintkids.com](http://www.zerofootprintkids.com)

ZeroFootprint Calculator

Adelberg, E. and Currie, C. (1993). *In Conflict With The Law: Women and The Canadian Justice System*. Vancouver: Press Gang Publishers.

Arendt, H. (1970). *On Violence*. New York: Harcourt Brace Publishers.

Axworthy, L., (2003). *Navigating A New World: Canada's Global Future*. Toronto: Vintage Canada.

Barnhorst R., Barnhorst, S. and Clarke, K. (1992). *Criminal Law and The Canadian Criminal Code 2<sup>nd</sup> Ed.* Toronto: McGraw-Hill Ryerson Ltd.

Cranny, M. and Moles, G. (2001). *Counterpoints: Exploring Canadian Issues*. Toronto: Pearson Education.

Criminal Code of Canada

Cunningham, A. and Griffiths, C. (2003). *Canadian Criminal Justice: A Primer*. Toronto: Thomson and Nelson.

Dallaire, R. and Beardsley, B. (2003). *Shake Hands with the Devil: The Failure of Humanity in Rwanda*. Toronto: Vintage Canada.

Delisle, R. and Stuart, D. (1986). *Learning Canadian Criminal Law*. Toronto: Carswell Co. Ltd.

Dyzenhaus, D. and Ripstein, A. (2001). *Law and Morality*. Toronto: University of Toronto Press.

Forsey, E. (2005). *How Canadians Govern Themselves*. Ottawa: Library of Parliament.

Foucault, M. (1995). *Discipline and Punish: The Birth of Prison*. New York: Vintage Books.

Gall, Gerald, (1995). *The Canadian Legal System*. Toronto, Carswell Co.

Gibson, D.L., et al (2006). *All About Law 5<sup>th</sup> ed.* Toronto: Nelson Education Ltd.

Johnston, H. (1989). *The Voyage of The Komagata Maru*. Vancouver: University of British Columbia Press

Kelly, N. and Trebilcock, M. (2000). *The Making of The Mosaic: A History of Canadian Immigration Policy*. Toronto: University of Toronto Press.

Laquian, A., Laquian, E., and McGee, T. eds. (1997). *The Silent Debate: Asian Immigration and Racism in Canada*. Vancouver: Institute of Asian Research.

Loo, T. and Strange, C. (1997). *Making Good: Law and Moral Regulation in Canada, 1867-1939*. Toronto: University of Toronto Press.

MacKay, W. (1984). *Education Law in Canada*. Toronto: Emond-Montgomery Publications Ltd.

McGhee, D. (2001). *Homosexuality, Law, and Resistance*. Oxford: Routledge.

Roberts, J. (2000). *Criminal Justice in Canada: A Reader*. Toronto: Harcourt Canada.

Salhany, R. (1986). *The Origin of Rights*. Toronto: Carswell Company Ltd.

Verdun-Jones, S. (1999). *Canadian Criminal Cases*. Toronto: Harcourt Brace Canada.



### Lesson 1: Federal, Provincial and Local Government

#### ■ Overview

This lesson explores the relationship between the federal, provincial and local levels of government in Canada. Students will have an opportunity to explore the impact these levels of government have on our rights, responsibilities, public services, safety and governance. Students will specifically examine the issue of how the three levels provide service on common national problems.

#### ■ Objectives

Students will

- Demonstrate an understanding of the operation and jurisdiction of governments at the federal, provincial and local levels.
- Be able to differentiate between the jurisdictions of each level of government and identify the various powers assigned to each level.
- Analyze an issue from the perspective of the three levels and propose solutions applicable to each level.
- Understand the limits placed on each level of government.
- Demonstrate knowledge of a Royal Commission.

#### ■ Basics for the Teacher

See *Activity Sheet 1-2: Levels of Government*, *Activity Sheet 1-3: Responsibilities of Government Table*, *Activity Sheet 2-1: Royal Commissions* and *Activity Sheet 2-2: Marijuana Grow Operations* for the basic information for the lesson.

#### ■ Student Handouts

The following activity sheets will be used in this lesson. You may want to provide the students with some activity sheets in advance of the pretest but this is optional. Each handout is identified by a number correlating to a particular activity and should be assigned in that order.

*Activity Sheet 1-1: BINGO Pretest*

*Activity Sheet 1-2: Levels of Government*

*Activity Sheet 1-3: Responsibilities of Government Table*

*Activity Sheet 2-1: Royal Commissions*

*Activity Sheet 2-2: Marijuana Grow Operations*

*Activity Sheet 2-3: Royal Commission Role Play*

*Activity Sheet 2-4: Royal Commission Guidelines*

#### ■ Instructions for the Teacher

These lessons are designed for grade 11 social studies students and assume a particular approach, tasks and abilities common to senior high school students. Pre-reading and homework preparation will aid in gaining the fullest experience from these lessons. In general, the lessons will begin with the acquisition of background knowledge and some basic concepts and then proceed to an active and engaged learning process including, role play, mock committees, debating, presentations, group learning and active participation in civic matters.

#### Activity 1: Levels of Government

This activity will begin with a pre-test that covers basic knowledge components of this lesson. The pre-test is in the form a BINGO style game in which the students find classmates to answer questions written in the squares.

Hand out a copy of the *Activity Sheet 1-1: BINGO* to each student. Instruct them to find classmates that can answer a question on the sheet. When they find a student that can answer a question, that student must initial the appropriate square. The goal is to have every square completed (signed), though you may abbreviate the activity as needed by calling for sheets with some squares unsigned. Students should sign a maximum of two squares, as this will encourage more participation. You may wish to offer an award or bonus to encourage more aggressive competition in completing the activity. Set a time limit and collect four to five sheets prior to beginning the review and debriefing. Review begins by taking any square and calling upon the student that signed the square to provide the answer. Correct responses earn credits for the particular sheet you are using while incorrect answers require the selection of the next sheet. While reviewing student responses have students add notes and key vocabulary terms in the space provided. Review is complete when all squares have been discussed.

Provide students with *Activity Sheet 1-2: Levels of Government* and *Activity Sheet 1-3: Responsibilities of Government Table* and have them define the vocabulary/concepts and complete the table identifying the various responsibilities of each level of government as a homework assignment. This prepares them for the next activity.

## Activity 2: Royal Commission

The second student activity involves the analysis of marijuana grow operations as a legal, social, economic and political issue. In this activity the students will make a presentation to a mock Royal Commission on marijuana grow operations. Assign students to small groups (3-5) and provide each with a copy of *Activity Sheet 2-1: Royal Commissions* and *Activity Sheet 2-2: Marijuana Grow Operations*. These handouts outline the issue and provide links to various levels of government as well as information about the Royal Commission. Allow some time for review or read the handouts as a class and proceed to the next step.

Provide each student (or group) with *Activity Sheet 2-3: Royal Commission Role Play* and *Activity Sheet 2-4: Royal Commission Guidelines* and review the guidelines as a group. Students will choose roles and

develop solutions to present to the Royal Commission. Have the groups record the strategy and prepare to meet with other student groups. Use a carousel or similar strategy to have students rotate into new groups and share the strategies. Ensure that there will be at least one group member representing each level of government in each group. Allow the table groups time to share and discuss strategies. After sharing, have each group return to the original setting and prepare a presentation to the Royal Commission using the guiding questions from the *Activity Sheet 2-4*. Students will present solutions to the Royal Commission. Assign the debriefing questions.

## ■ Assessment

It is up to you whether or not to use the BINGO sheet for bonus marks as it is intended as a benchmark from which to direct your focus in this curriculum. The student handout on government responsibilities can be graded as labeled on the sheet. The presentations at the mock Royal Commission can be graded using *Activity Sheet 2-5: Presentation Grading Rubric*. Role play and debriefing questions are for class discussion and need not be formally assessed - you might consider assigning them for homework marks or as part of your active classroom participation mark.

## ■ Extension Activities

1. Find out if there is a Royal Commission in progress in your community. Report back to the class on the issues and the progress so far. See if you can interview a participant or if you can attend it to see how it works.
2. Find out who the police or RCMP liaison officer is in your area and arrange to interview him or her on the issues of the drug trade. You may even have an officer attached to your school. Prepare your questions ahead of time. Report back to your class on your interview.

# Activity Sheet 1-3: BINGO Pretest

## Lesson 1

Name \_\_\_\_\_ Date \_\_\_\_\_ Block \_\_\_\_\_

Can identify the three levels of government.	Can identify the head of a provincial government.	Can identify what a bylaw is and provide an example.	Can identify which level of government has control over criminal law.	Can identify which level of government has control of foreign trade and treaties.
Can define the concept of land zoning.	Can describe two responsibilities for each level of government.	Can explain how one becomes mayor of a municipality.	Can identify which level of government is responsible for education.	Can identify the act in British Columbia that spells out the powers granted to municipalities.
Can identify the head of a local government.	Can explain why all three levels of government have some power to tax the people.	FREE SQUARE	Can explain the role of the board of education.	Can explain the importance of the legislative assembly of each province.
Can identify the act that defines the powers of the federal and provincial governments.	Can identify two powers that rest only with the federal government.	Can explain the concept of "residual powers" as they relate to government.	Can describe the function of Parliament.	Can describe three kinds of taxes.
Can explain how provincial and federal governments make laws.	Can identify the present mayor, premier and prime minister.	Can explain the function of Metro Vancouver (formerly known as the GVRD)	Can explain the reason why Parliament has two houses (Senate and Commons).	Can provide three services provided to the public by local governments.

Levels of Government Notes:

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New Vocabulary/Concepts:

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# Activity Sheet 1-3: BINGO Pretest

## Lesson 1

**KEY**

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

Federal, Provincial and Local (municipal).	The premier.	Laws used by municipalities to regulate land use, businesses, people and property.	Federal.	Federal.
Guidelines used to determine type, use and size of buildings or land use.	Federal-currency and postal service. Provincial-Public property and administration of justice. Local-land zoning and policing.	Declare candidacy in local election, campaign and win majority of votes.	Shared-largely Provincial.	<i>Local Government Act (1996)</i>
The mayor.	Each has different services to provide.	FREE SQUARE	Regulate and deliver public education services to a specific city or town.	Pass laws relevant to the province and its interests.
Constitution- <i>BNA Act, 1867</i> or <i>Constitution Act, 1982</i> .	National defence and Criminal law.	All powers not specifically assigned to the provincial governments rest in the hands of the federal government.	To put forward, debate, amend, pass, and ratify legislation.	Income, sales and real estate.
Legislative process-describe three readings and Royal Assent.	Dependent on date and location.	Allows local municipalities to organize, plan and fund collective services.	A system of checks and balances. The more senior and experienced Senators review all legislation.	Sewer, water and waste.

## Activity Sheet 1-2: Levels of Government

### Lesson 1

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

The constitution of Canada established two levels of government in the *BNA Act, 1867*. The powers assigned to each level of government were spelled out in s.91-94 of the *Act* and were revised to add the *Canadian Charter of Rights and Freedoms* in 1982 as part of the *Constitution Act, 1982*.

Powers not specifically assigned to the provincial governments reside within the sphere of the federal government, unlike the United States of America where residual powers rest with the state governments. This was adopted in Canada to avoid the contest between states' rights and federal rights that led to the American Civil War (1861-1865).

Municipal or local government is covered under the powers vested in the provincial government. The division of powers between the two levels has created considerable litigation and controversy over the years. The contentious issues traditionally involve immigration, civil rights, taxation, and resources. Aboriginal issues have also created some degree of conflict and challenge for the two levels of government. These problems have led to very few constitutional changes; however twice in the 1980's the federal government attempted to open the constitution for amendment - but failed miserably both times. Below is a chart that outlines some of the primary responsibilities assigned to each level of government.

Level of Government	Legislative Body	Assigned Powers
Federal Government	Parliament of Canada (Senate and House of Commons)	All manner of taxation, criminal law, immigration, postal service, Census, national defence, currency, navigation and shipping, public debt and property, banking, judges of the federal and superior courts.
Provincial Government	Legislative Assembly (Legislative Assembly of British Columbia)	Direct taxation, public lands and timber, establishment and maintenance of hospitals, municipal institutions, solemnization of marriage, regulatory laws, public education, provincial court judges.
Municipal, Local and Regional Government	Mayor and Council Regional Board	Bylaws, land zoning, permits and licenses, public works, waste and recycling, policing, and vehicle licensing.

# Activity Sheet 1-3: Responsibilities of Government Table

## Lesson 1

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

Services	Level of Government		
	Local	Provincial	Federal
Responsible for collecting income tax?			
Responsible for education?			
Responsible for health Care			
Responsible for national parks?			
MLAs serve?			
MPs serve?			
Councillors serve?			
Responsible for road repairs?			
Responsible for ambulance service?			
Responsible for policing?			
Responsible for land zoning?			
Responsible for criminal law?			
Responsible for currency?			
Responsible for postal service?			
Responsible for making bylaws?			
Responsible for Crown corporations?			
Responsible for national defence?			
Responsible for property?			
Responsible for immigration?			
Responsible for speed limits on highways?			
Responsible for licensing motor vehicles?			
Responsible for international airports?			
Responsible for hospitals?			
Responsible for schools?			

# Activity Sheet 1-3: Responsibilities of Government Table

## Lesson 1

**KEY**

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

Services	Level of Government		
	Local	Provincial	Federal
Responsible for collecting income tax?			✓
Responsible for education?		✓	
Responsible for health Care		✓	✓
Responsible for national parks?			✓
MLAs serve?		✓	
MPs serve?			✓
Councillors serve?	✓		
Responsible for road repairs?	✓		
Responsible for ambulance service?		✓	
Responsible for policing?	✓		
Responsible for land zoning?	✓		
Responsible for criminal law?			✓
Responsible for currency?			✓
Responsible for postal service?			✓
Responsible for making bylaws?	✓		
Responsible for Crown corporations?		✓	✓
Responsible for national defence?			✓
Responsible for property?		✓	✓
Responsible for immigration?		✓	✓
Responsible for speed limits on highways?		✓	
Responsible for licensing motor vehicles?		✓	
Responsible for international airports?			✓
Responsible for hospitals?		✓	
Responsible for schools?		✓	

## Activity Sheet 2-1: Royal Commissions

### Lesson 1

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

Royal Commissions have been appointed throughout Canada's history when the government wished to investigate a pressing national issue or problem. A Royal Commission is appointed through Cabinet, generally with the support of the Prime Minister and the ruling party. A Commission can take up to three years to complete an investigation.



Since Confederation there have been over 200 Royal Commissions. Some notable examples have been conducted on *Chinese and Japanese Immigration* (1902), *Indian Affairs for the Province of British Columbia* (1916), *Investigate the Penal System of Canada* (1938), *National Development in the Arts, Letters and Sciences* (1951), *Bilingualism and Biculturalism* (1969), and the *Future of Health Care in Canada* (2002). The Commissions are frequently known and referenced to by the name of the chairperson. For example, the *Royal Commission on National Development in the Arts, Letters and Sciences* is generally known as the "Massey Commission" because the chair was Vincent Massey, a well-known diplomat, who became Canada's first native-born Governor General.

When an investigation is complete the findings are presented to Cabinet for appropriate action, although this does not always lead to significant change. It is hard to distinguish between Royal Commissions and a task force or commission of inquiry, though they all serve the purpose of investigating serious national matters. The investigations often take the Commission across the country to hear from experts, laypeople and interest groups and for this they have been often criticized for wasting tax dollars. The Royal Commission you will participate in is fictional but does address a significant national issue.



## Activity Sheet 2-2: Marijuana Grow Operations

### Lesson 1

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

The production, distribution, sale and exportation of marijuana is a significant issue in the province of British Columbia and is now estimated to generate \$6 billion dollars annually. The lure of drug profits has attracted a significant organized crime presence in BC and across Canada. The media reports on homicides related to organized crime and the drug trade paint a clear picture of the connection between the production of “BC Bud” and organized crime. The crop is often exported outside of the province or country and exchanged for cocaine, illegal firearms or other narcotics like methamphetamines.

The marijuana industry costs billions of dollars to the economy, endangers the lives of youths seeking the money and power of gangs, puts police, firefighters and hydro workers at risk, and strains relations between Canada and the United States. The illegal drug trade has burdened our border services and caused the Attorney General of the United States to escalate border security between the two nations in an attempt at reducing the flow of marijuana into the USA.

In February 2009, the federal government introduced Bill C-15 into first reading. The bill, which had not been given Royal Assent at the time of this printing, “amends the *Controlled Drugs and Substances Act* to provide for minimum penalties for serious drug offences, to increase the maximum penalty for cannabis (marijuana) production and to reclassify specific substances as illegal so that the minimum penalties will apply to these substances (<http://www.parl.gc.ca>). The federal government supports mandatory minimums as a means to demonstrate the seriousness of the offence and to make a clear statement about marijuana production and distribution.

#### **Dangers to public health and safety**

*Fire:* The use of enormous amounts of electricity combined with illegal tampering with electrical systems can lead to fires. The hazard often extends to neighbouring buildings.

*Health:* The high humidity and temperatures necessary for a grow room lead to the formation of damaging mold and fungus. This situation poses serious health risks to the residents.

*Electrocution:* Electrical bypasses and rewiring performed by unqualified individuals results in dangerous electrical hazards, such as personal injury due to electrocution.

*Poisonous gas and chemicals:* The chemicals used in the production of marijuana are left to circulate inside the residence. These sometimes mix with air that has been re-vented from the furnace and/or water heater and can cause poisoning.

*Violence:* The occupants of a marijuana grow operation are more susceptible to extortion and home invasion. Operations may be targeted by criminals prepared to commit a home invasion to steal the crop (“grow rips”). The presence of a grow operation increases the threat of violence to the neighbourhood.

*Booby Traps:* Since marijuana grow operations are targets for “grow rips,” booby traps are sometimes used to injure or kill unsuspecting visitors or ‘first responders.’ First responders are trained and certified fire, ambulance and police personnel.

*Children at Risk:* Children who live in or visit a marijuana grow operation home are subject to physical dangers and the many health and safety hazards listed above.

(<http://www.rcmp-grc.gc.ca/fio-ofi/grow-ops-culture-eng.htm>)

## Activity Sheet 2-3: Royal Commission Role Play

### Lesson 1

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

You are a member of a delegation asked to make a presentation to the Royal Commission on Marijuana Grow Operations. The Royal Commission is tasked with the responsibility to curb the problem of marijuana grow operations in Canada (primarily in BC and Ontario). The police, law courts, politicians and public at large are exhausting tremendous resources and dollars to reduce the problem but with little effect.



The operations are tied directly to organized crime and lead to the importation of illegal automatic weapons and handguns, cocaine, methamphetamines and other illegal items. Organized crime uses the profits from grow operations to fund drug trafficking, prostitution, turf wars and other activities harmful to the public. The homes or businesses used to house these operations are frequently damaged, pose a great risk of fire, are frequently booby-trapped and steal electricity. A large number of homicides, including the tragic loss of four RCMP officers in Mayerthorpe, Alberta in March 2005, indicate the serious threat to public safety caused by these illegal operations.

The Royal Commission is assigned the responsibility of developing strategies for each level of government - federal, provincial and municipal - to combat the marijuana production problem in Canada. You will be assigned a specific role to represent a stakeholder attending on behalf of the federal, provincial or municipal governments. In playing the role, you must represent the interests of your group as well as your own. You may consider social, legal, economic or political perspectives when developing a proposal to present to the Commission. Use the guiding questions and directions provided in the handout to prepare for your presentation.

### Assigned Roles

**Federal:** Attorney General of Canada, a Member of Parliament, a high ranking civil servant, the Commissioner of the RCMP, the head of a national citizens watchdog group, the head of Correctional Service of Canada, the head of Canada Border Services Agency, and a criminologist from Simon Fraser University.

**Provincial:** Attorney General of BC, a local Member of the Legislative Assembly, a high ranking civil servant, the Chief Constable of the Vancouver Police Department, the head of the RCMP Integrated Homicide Investigative Team (IHIT), a provincial corrections officer, a justice from the Supreme Court of BC, and the head of a local community group for drug-addicted youth.

**Municipal:** A local Councillor, the head of the local police department, a recovering drug addict, the head of a local halfway house, a school counsellor, a city planner, the head of BC Hydro, a municipal building inspector.

## Activity Sheet 2-4: Royal Commission Guidelines

### Lesson 1

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

***Follow the steps below to form a group and prepare a presentation to the Chairperson of the Royal Commission on Marijuana Grow Operations.***

**Step 1:** Form a group of 3-4 students that have been assigned the same level of government as you have.

**Step 2:** Review the role-playing handout to review the purpose of the Royal Commission and role-playing activity.

**Step 3:** Use the guiding questions to assist your group in preparing a presentation to the Chairperson of the Royal Commission.

**Step 4:** Complete the debriefing questions provided below and prepare to discuss with the class.

#### **Role Play Questions**

1. What information will you bring to the committee? What bias might you carry because of your assigned role?
2. What do you see as the primary problem or issue with respect to marijuana grow operations?
3. Outline three steps that could be taken at your level of government to resolve or reduce the problem. (Hint: think outside of the box.).

#### **Debriefing Questions**

4. Describe how government can assist in the resolution of the problem created by grow operations.
5. What advantages are there for each level of government in taking on the problem of marijuana grow operations?
6. What disadvantages are there for having to involve three levels of government?
7. Which level of government would carry the larger burden in fighting this issue? Explain.
8. What alternative can you suggest in organizing the various powers of the three levels of government?

### Lesson 1

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### Role Play Questions

1. What information will you bring to the committee? What bias might you carry because of your assigned role?

**Might include information about specific responsibilities, budget, and the public interest. Bias would relate to your need to meet specific responsibilities of your job or your constituent base.**

2. What do you see as the primary problem or issue with respect to marijuana grow operations?

**Might suggest extension to other criminal enterprises, risk to public safety, harm to teens using drugs.**

3. Outline three steps that could be taken at your level of government to resolve or reduce the problem. (Hint: think outside of the box.).

**Increase policing, build and support more penal institutions, impose severe sentences, increase drug awareness programs in schools, or use hydro authority to remove illegal use of electricity.**

#### Debriefing Questions

4. Describe how government can assist in the resolution of the problem created by grow operations.

**Governments have the ability to make laws, impose penalties, reduce social problems and allocate large-scale resources to tackle an issue.**

5. What advantages are there for each level of government in taking on the problem of marijuana grow operations?

**Each level of government has specific capacities, personnel and budgets to tackle criminal matters and the social outfall.**

6. What disadvantages are there for having to involve three levels of government?

**Need for communication and coordination results in slow and frequently ineffective solutions. Political bias prevents effective solutions.**

7. Which level of government would carry the larger burden in fighting this issue? Explain.

**Answers will vary. Focus on the logic used to defend choice (i.e. local government because of its control over policing).**

8. What alternative can you suggest in organizing the various powers of the three levels of government?

**Students may suggest changes to constitution to reduce duplication of services and increase accountability to the public.**

## Activity Sheet 2-5: Presentation Grading Rubric

### Lesson 1

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

Members of Group: \_\_\_\_\_

Work Habit Mark /15

Presentation Mark /45

	<b>Underdeveloped 1</b>	<b>Competent 3</b>	<b>Well developed 5</b>
<b>Presentation Skills</b>	<ul style="list-style-type: none"> <li>- Did not project voice (spoke softly)</li> <li>- Made little to no eye contact</li> <li>- Read the whole prepared speech</li> <li>- Fidgeted</li> <li>- No presence/confidence</li> </ul>	<ul style="list-style-type: none"> <li>- Made some eye contact</li> <li>- Spoke clearly, projected at times</li> <li>- Some confidence</li> <li>- Inconsistent</li> </ul>	<ul style="list-style-type: none"> <li>- Made consistent eye contact with audience</li> <li>- Projected clearly for the whole presentation</li> <li>- Confident presentation</li> </ul>
<b>Content X2</b>	<ul style="list-style-type: none"> <li>- History was not covered</li> <li>- Did not answer the essential questions from assignment.</li> <li>- Did not give a full account of their experience</li> </ul>	<ul style="list-style-type: none"> <li>- An attempt to cover some history was made</li> <li>- Answered some of the essential questions</li> <li>- Gave an account of their experience</li> </ul>	<ul style="list-style-type: none"> <li>- An excellent history was provided</li> <li>- Answered all of the assignment's essential questions</li> <li>- Gave an excellent account of their experience</li> </ul>
<b>Visuals</b>	<ul style="list-style-type: none"> <li>- Had too few visuals</li> <li>- Visuals were not relevant or appropriate</li> </ul>	<ul style="list-style-type: none"> <li>- A few visuals</li> <li>- Visuals were relevant</li> </ul>	<ul style="list-style-type: none"> <li>- Excellent visuals</li> <li>- Greatly added to presentation</li> </ul>
<b>Hook/ Introduction</b>	<ul style="list-style-type: none"> <li>- No attempt at engaging the audience at the beginning of the presentation.</li> </ul>	<ul style="list-style-type: none"> <li>- Made an attempt at engaging the audience</li> </ul>	<ul style="list-style-type: none"> <li>- Totally engaged the audience with hook</li> <li>- Creative and entertaining</li> </ul>
<b>Compelling Conclusion</b>	<ul style="list-style-type: none"> <li>- No call to action</li> <li>- Did not summarize points for the audience</li> </ul>	<ul style="list-style-type: none"> <li>- Drew the presentation to a close but did not highlight points covered</li> </ul>	<ul style="list-style-type: none"> <li>- Highlighted all the key points</li> <li>- Excellent conclusion and call to action</li> </ul>
<b>Bibliography</b>	<ul style="list-style-type: none"> <li>- Did not hand in bibliography</li> <li>- Hardly did any research</li> </ul>	<ul style="list-style-type: none"> <li>- Bibliography submitted with adequate research</li> </ul>	<ul style="list-style-type: none"> <li>- Excellent research and bibliography submitted</li> </ul>
<b>Organization</b>	<ul style="list-style-type: none"> <li>- The presentation was poorly organized</li> <li>- The presenter was poorly organized, was not ready when called upon</li> </ul>	<ul style="list-style-type: none"> <li>- An attempt was made to organize the flow of the presentation</li> <li>- Was somewhat prepared to present on-time</li> </ul>	<ul style="list-style-type: none"> <li>- Excellent organization and flow to the presentation</li> <li>- Well rehearsed</li> <li>- Everything was ready and prepared for the presentation</li> </ul>
<b>Overall Impression</b>	<ul style="list-style-type: none"> <li>- Uninspiring</li> <li>- Lackluster performance</li> <li>- Not very memorable</li> </ul>	<ul style="list-style-type: none"> <li>- A good effort</li> <li>- Could have been more polished</li> </ul>	<ul style="list-style-type: none"> <li>- Inspired</li> <li>- Amazing</li> <li>- Very memorable</li> </ul>

### Lesson 2: Branches of the Federal Government

#### ■ Overview

In this lesson students will learn about the three branches of government. The activities include a Web Quest, vocabulary, chart and creative writing piece. Students will have the opportunity to understand the process used to pass legislation in our Parliament. This is particularly important preparation for the mock parliament in Lesson 3.

#### ■ Objectives

Students will

- Identify the three branches of government at the federal level (legislative, executive and judicial).
- Explain the structure and operation of each branch.
- Discuss the function of each branch of government.

#### ■ Basics for the Teacher

See *Activity Sheet 1-1: The Branches of Government* for the basics for this lesson.

#### Vocabulary

**Bill:** A proposed piece of legislation not yet passed by the House or Senate. Bills must be sponsored by private members, the ruling party or a member of the Senate.

**Law:** A law is a bill that has passed through the legislative process (three readings), received approval of the Commons and Senate, and received Royal Assent.

**Order Paper:** The posting of all House business for a given day. The order paper lists all bills being presented to the House.

**First Reading:** The formal presentation of a bill in the Commons (can be in the Senate). It is commonly the first time all parties will receive notice of a bill.

**Second Reading:** This is where all bills receive full debate in the Commons (and Senate). At this stage the merits of new legislation are debated among the members of the government and opposition to make our government open and transparent.

**Third Reading:** At this stage a bill is read for the last time and any amendments are made public. Each bill is then voted upon and then forwarded for Royal Assent or approval of the second house.

**Committee:** All bills go to Standing Committees or Ad Hoc Committees of the House to allow for further review, clause-by-clause inspection and an opportunity for the public to give input. Committees always have representation from multiple parties of the House and are chaired by a member responsible for the bill.

**Lobbyist:** There are many lobbyists in Ottawa representing a variety of broad economic and social interests. These lobbyists are paid to provide government members with information designed to influence a particular point of view. Some examples would include: representatives of the real estate, tobacco and oil industries, medical practitioners and educators.

**The Speaker of the House:** This title is given to an MP that is elected by his or her peers. Essentially the Speaker of the House is referee of all parliamentary procedures and final arbitrator of disputes in the House.

**The House of Commons:** This is one half of the legislative branch in our Parliament. It is an elected body of 308 members that sits once each year with its principle purpose to pass legislative bills and debate matters of public interest. Members of the Commons must be citizens and at least 18 years of age. The Commons may initiate bills of any sort including those that impose taxation or the spending of public money.

**The Senate:** The Senate is the other legislative body in our Parliament. It is composed of 105 members, all of whom have been appointed by Prime Ministers. It serves as the place of “sober second thought” to consider all legislation coming out of the Commons. Senators are appointed until age 75, must be citizens of Canada and at least 30 years of age, and must have real estate and net assets of at least \$4,000. The Senate can initiate bills that may not be for taxation or the spending of public money.

**Senate Bill:** A bill proposed in the Senate then sent to the Commons for further review. Senate bills are not uncommon but few are passed by Parliament.

**Private Member’s Bill:** A bill sponsored by a Member of Parliament but not in Cabinet. Many of these bills come from members of the opposition but ruling party members without a cabinet position may also sponsor a bill. Private Member’s Bills do not have the resources and support of the ruling party and therefore it is rare for such bills to become laws.

**Government Bill:** The majority of bills proposed each Parliament come from the cabinet of the ruling party. These bills have the support of the Prime Minister and the resources of the government to help push them through the legislative process.

**Minority Government:** A government formed by a party with fewer than 51% of the seats in the House of Commons (currently this would be 154 seats or fewer). Minority governments require the support of opposition members to pass bills and make significant policy decisions. A minority government can become a coalition government if two or more parties join together to achieve 51% of the seats.

**Majority Government:** When a party achieves 51% or more of the seats in the House of Commons it can form a majority government. With a majority of seats in the House it is easier for the government to pass legislation because it does not require support from any of the parties in opposition.

## ■ Student Handouts

The following activity sheets will be used in this lesson. You may want to provide the students with the activity sheets in advance of the pretest but this is optional. Each handout is identified by a number correlating to a particular activity and should be assigned in that order. These can be found at the end of the instructions for teachers.

*Activity Sheet 1-1: The Branches of Government*

*Activity Sheet 1-2: Who’s Who in Government*

*Activity Sheet 2-1: Parliamentary Vocabulary*

*Activity Sheet 3-1: A Day in the Life of a Bill*

*Activity Sheet 4-1: Bills! Bills! Bills!*

## ■ Instructions for the Teacher

The curriculum you will teach is contained in the various handouts, black line masters and answers sets contained in this lesson. Activity sheets provide background details, knowledge components, student directions, assigned work and guidelines. The materials developed for this lesson use a variety of strategies but emphasize active learning and listening, presentation skills, pre-reading strategies and pretests to help prepare students. Access to a computer, at home or at school, will be an important component of these lessons. However, materials have been provided to allow the teaching of these lessons without classroom computer use with the exception of some extension activities.

### Activity 1: The Branches of Government

This lesson is a primer for the next activity and can be assigned at the end of Lesson 1 for homework. Provide students with *Activity Sheet 1-1: The Branches of Government* and have them complete a set of two-column or Cornell notes using this sheet. These may be reviewed in class or you may have the students complete *Activity Sheet 1-2: Who’s Who in Government* as an informal review quiz.

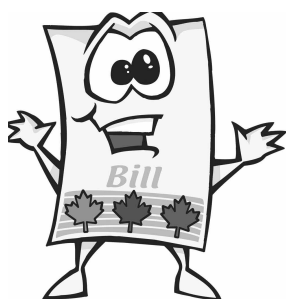
### Activity 2: Parliamentary Vocabulary

This lesson builds on the basics the students learned in activity one. Students will begin by completing the vocabulary list found in *Activity Sheet 2-1: Parliamentary Vocabulary*. Review the vocabulary.

### Activity 3: Day in the Life

Then inform students that they will be personifying a bill - they will tell the story of how a bill becomes a law from the perspective of the bill (recall the American cartoon series Schoolhouse Rock! and the cartoon "I'm just a bill" - [www.schoolhouserock.tv/](http://www.schoolhouserock.tv/)). Instruct the students to complete the 'day in the life' as a journal, diary, personal log or even a cartoon strip as a homework assignment. Use selected students to present the stories in the next class.

### Activity 4: Bills! Bills! Bills!



Students will then move to a Web Quest using the Government of Canada's website ([www.parl.gc.ca](http://www.parl.gc.ca)). In accessing the parliamentary website, students will be asked to identify a variety of bills - Private Member's Bills, government bills and bills originating in the

senate. They must find examples of each type, provide the title of the bill and write a brief summary of the contents and purpose of each bill. It is advisable to review the website and get a sense of the proposed bills for the parliamentary session the students are using to select examples. During the next class, review selected bills with the class, emphasizing the content and purpose of each. The research and class discussion sets up the model parliament in Lesson 3.

### ■ Assessment

Use *Activity Sheet 1-2: Branches of Government Answer Key* to evaluate the chart on the branches of government for completion marks. You may choose to mark the vocabulary list; however it is intended as a preliminary step for the "Day in the Life of a Bill" activity. Assess this activity for creativity, depth of knowledge, accuracy and presentation using the rubric provided. *Activity Sheet 4-1: Bills! Bills! Bills!* can be assessed for completion or as a homework mark as it is likely to be completed outside of class time

### ■ Extension Activities

1. Contact your local MP and ask him or her to sit for an interview about the legislative process; a more preferable option may be to interview him or her about a Private Member's Bill that he or she sponsored. Prepare a set of questions in advance of your interview.
2. Contact a local non-governmental organization or special interest group that has taken part in a parliamentary committee. Each successful bill will go through the committee stage before third reading and it is quite common to have special interest groups provide information to these committees. Have students conduct an interview or research the topic and prepare a visual presentation.



# Activity Sheet 1-1: The Branches of Government

## Lesson 2

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

### Legislative Branch

The Legislative Branch includes the House of Commons, the Senate and the Queen (represented by the Governor General of Canada). The principal role of this branch is to make laws for the governance of the nation. Members of the Commons are elected by the voting public while members of the Senate are appointed by the Governor General (on the advice of the Prime Minister).



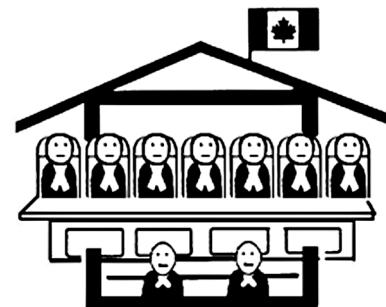
Crest of the Governor General

### Executive Branch

The Executive Branch includes the Prime Minister, the Cabinet and the Queen (represented by the Governor General). The principal role of this branch is to enact and enforce the laws of the nation. The Cabinet is chosen by the Prime Minister and can include senators, but generally it is composed of Members of Parliament (MPs) from the ruling party. It is customary to have at least one cabinet member from each province and it is common to have 10-12 ministers chosen from Ontario and Quebec. More recently, women, ethnic minorities and Aboriginal representation are appointed to the cabinet.

### Judicial Branch

This branch is comprised of the Supreme Court of Canada and its nine judges, the Federal Court of Canada and the superior courts of the provinces. The primary function of the judicial branch is to interpret and apply the laws made by Parliament. Supreme Court of Canada judges are appointed by the Governor General, on the advice of the Prime Minister, and have the authority of being the "court of last resort" in Canada.



## Activity Sheet 1-2: The Three Branches of Government

### Lesson 2

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

**Instructions:** Complete each box in the table using the sources provided.  
Provide clear examples for each section to support your concepts and vocabulary.

	LEGISLATIVE BRANCH	EXECUTIVE BRANCH	JUDICIAL BRANCH
Function			
Members			
Bodies			
Elected or Appointed			
Responsibilities			

## Activity Sheet 1-2: The Three Branches of Government

### Lesson 2

**KEY**

**Instructions:** Complete each box in the table using the sources provided.  
Provide clear examples for each section to support your concepts and vocabulary.

	<b>LEGISLATIVE BRANCH</b>	<b>EXECUTIVE BRANCH</b>	<b>JUDICIAL BRANCH</b>
Function	<b>Make laws.</b>	<b>Enforce Laws.</b>	<b>Interpret Laws.</b>
Members	<b>Elected Members of Parliament or appointed members of the Senate.</b>	<b>Members of the executive council - both elected and appointed.</b>	<b>Practicing lawyers appointed to one of the superior courts of the provinces.</b>
Bodies	<b>House of Commons and Senate.</b>	<b>Prime Minister, Governor General, Cabinet.</b>	<b>Supreme Court of Canada, Federal Court, superior courts for each province.</b>
Elected or Appointed	<b>Elected and appointed.</b>	<b>Elected and appointed.</b>	<b>Appointed.</b>
Responsibilities	<b>To make and pass legislation for the governance of the nation.</b>	<b>To enforce laws through orders-in-council, budgeting, ministerial directives.</b>	<b>Resolve conflicts and protect the public interest by applying the laws written by Parliament to specific cases.</b>

## Activity Sheet 2-1: Parliamentary Vocabulary

### Lesson 2

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

Canada's Parliament plays a vital role in the governance of our country but few Canadians clearly understand the legislative process. How are bills passed into law? Who can bring a bill forward? What kinds of bills are commonly found on the legislative order paper? These questions and others will be addressed as you search through the federal government's website at [www.parl.gc.ca](http://www.parl.gc.ca).

**Instructions:** Define each in a clear sentence or two. Use YOUR words to explain the meaning of each term.

Bill: \_\_\_\_\_

\_\_\_\_\_

Law: \_\_\_\_\_

\_\_\_\_\_

Order Paper: \_\_\_\_\_

\_\_\_\_\_

First Reading: \_\_\_\_\_

\_\_\_\_\_

Second Reading: \_\_\_\_\_

\_\_\_\_\_

Third Reading: \_\_\_\_\_

\_\_\_\_\_

Committee: \_\_\_\_\_

\_\_\_\_\_

Lobbyist: \_\_\_\_\_

\_\_\_\_\_

The Speaker of the House: \_\_\_\_\_

\_\_\_\_\_

The House of Commons: \_\_\_\_\_

\_\_\_\_\_

The Senate: \_\_\_\_\_

\_\_\_\_\_

Senate Bill: \_\_\_\_\_

\_\_\_\_\_

Private Member's Bill: \_\_\_\_\_

\_\_\_\_\_

Government Bill: \_\_\_\_\_

\_\_\_\_\_

Minority Government: \_\_\_\_\_

\_\_\_\_\_

Majority Government: \_\_\_\_\_

\_\_\_\_\_

## Lesson 2

How are bills passed into law? Look on federal government's website ([www.parl.gc.ca](http://www.parl.gc.ca)) to see how this happens. Then construct "A Day in the Life of a Bill" story. You may write about your fictional bill in a journal, diary, log, or comic strip series format, but it must describe each of the steps taken for a bill to become a law. Outline the steps below. This is a homework assignment and be prepared to present your work in the next class.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## Activity Sheet 4-1: Bills! Bills! Bills!

### Lesson 2

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

Navigate the federal government's website ([www.parl.gc.ca](http://www.parl.gc.ca)) using the directions provided. Search out examples of the three types of parliamentary bills - government bills, Private Member's Bills and Senate Bills. For each example provide a brief outline and an explanation of the purpose of the legislation. Use the chart ("Parliamentary Bills") provided to complete this step.

*NB These bills will be found under any current session of Parliament. Each year a new session of Parliament is held and it deals with new bills. Choose bills that you understand and that have some meaningful connection to you.*

Bill	Title on Order Paper	Summary of Legislation and Purpose
<b>C-15 (Example)</b>	"An Act to amend the <i>Controlled Drugs and Substances Act</i> and to make related and consequential amendments to other Acts"	This government bill is aimed at reducing the production and distribution of marijuana across Canada. It will introduce mandatory minimum prison sentences for convicted offenders. Very few crimes carry a mandatory minimum sentence in Canada and this indicates that the crime is deemed very harmful to the public good.
<b>C- (Government)</b>		
<b>C- (Government)</b>		
<b>S- (Senate)</b>		
<b>S- (Senate)</b>		
<b>C- (Private Members)</b>		
<b>C- (Private Members)</b>		

### Lesson 3: The Federal Legislative Process

#### ■ Overview

This lesson allows students to work through the parliamentary process by participating in a mock parliament. Students will role play, research proposed bills, debate, run committees and balance a budget. Students will apply some of the concepts, vocabulary and understanding gathered in the previous lessons about parliamentary government.

#### ■ Objectives

Students will

- Explain and understand how a bill becomes a law in Canada's parliamentary system.
- Understand the relationship between the legislative process and policy-making.
- Understand how citizens can take part in the legislative process (committees, lobby groups or the electoral process).

#### ■ Basics for the Teacher

See *Activity Sheet 1-1: Canada's Parliamentary System*, *Activity Sheet 1-2: Model Parliament*, *Activity Sheet 1-3: Parliamentary Roles*, and *Activity Sheet 1-4: Legislative Bills for Model Parliament* for information needed for this lesson.

#### ■ Student Handouts

*Activity Sheet 1-1: Canada's Parliamentary System*

*Activity Sheet 1-2: Parliamentary Roles*

*Activity Sheet 1-3: Model Parliament*

*Activity Sheet 1-4: Legislative Bills for Model Parliament*

*Activity Sheet 2-1: Reflection and Debriefing*

#### ■ Instructions for the Teacher

The curriculum you will teach is contained in the various handouts, black line masters and answers sets contained in this lesson. Activity sheets provide background details, knowledge components, directions, assigned work and guidelines. The materials developed for this lesson use a variety of strategies but emphasize active learning and listening, presentation skills, pre-reading strategies and pretests to help prepare students. Access to a computer, at home or at school, will be an important component of these lessons. However, materials have been provided to allow the teaching of these lessons without classroom computer use - with the exception of some extension activities.

#### Activity 1: Model Parliament

Students will role-play Members of Parliament (MP) in a mock parliament. As MPs, the students will go through the various stages of presenting and passing legislation - order paper, first reading, second reading, third reading, vote and Royal Assent. See *Activity Sheet 1-1: Canada's Parliamentary System*.

First, assign students to one of three political parties: government party (majority), official opposition and third party. The exact number of sitting members will depend on your class size but keep in mind that the total of both opposition parties must be at least one seat lower than the ruling party. Once in party groupings, have the students select leaders and assign roles according to the information in *Activity Sheet 1-2: Parliamentary Roles*.

Next, provide students with *Activity Sheet 1-3: Model Parliament*, review parliamentary processes and explain how this will play out in the model parliament. It is advisable to inform the students that they will dress formally for all sittings of the House.

Provide parties with a copy of the legislative proposals in *Activity Sheet 1-4: Legislative Bills for Model Parliament*, review the basic details and explain that they will need to research each bill. The bills cover a variety of topics and issues and are meant to encourage strong disagreement and debate. However, the students must give careful thought to each bill - research is strongly recommended. You may want to have students work in small groups within each party on the proposals or assign a review activity for next class to ensure all members understand the legislation.

*Activity Sheet 1-3: Model Parliament* will explain the basic procedure for the simulation from first reading to final vote and debrief. You may modify these steps or adjust the time frame to suit the needs, abilities and pacing of your class.

### **Activity 2: Reflection and Debriefing**

At the end of the model parliament have the students complete *Activity Sheet 2-1: Reflection and Debriefing*.

## ■ **Assessment**

Student assessment is based on participation, knowledge and understanding of their role, leadership and preparation for Parliament. You may have rubrics that cover student role-playing, leadership, participation, or public speaking. Use *Activity Sheet 3-1: Teacher Evaluation Rubric* for Model Parliament which is provided at the end of this lesson as a template but feel free to pick and choose what you use to assess this activity.

## ■ **Extension Activities**

1. Have students visit the website for the Government of Canada ([www.parl.gc.ca](http://www.parl.gc.ca)) and choose a proposed bill that has some controversy. Conduct some research on the nature of the bill and its purpose, advantages and disadvantages for Canadians. After researching the merits of the bill write a letter to your local constituency office, or that of an opposition MP, providing your position on the proposed legislation.
2. Meet with your local MP and interview him or her regarding a specific piece of legislation before Parliament. Prepare a series of questions on the legislation in advance of your meeting. Alternatively, write a letter to the editor of your local paper on a contentious piece of legislation.





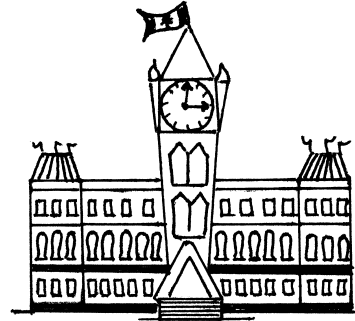
# Activity Sheet 1-1: Canada's Parliamentary System

## Lesson 3

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

**Order Paper:** The Order Paper is printed daily for both the House of Commons and the Senate. It lists the business of Parliament for that day's sitting. Any bills to be introduced or debated will be listed on the Order paper as part of the business of Parliament for that day.

**First Reading:** A member of the Cabinet or back-bencher proposes a bill and moves for the House's "leave" to introduce the bill. Next comes the motion that the bill be read a first time and printed (the printed bill is on the Order Paper). Both of these steps are done without debate and approval is automatic.



**Second Reading:** After first reading the motion for second reading will take place. This is the stage at which MPs debate the principle of the bill - its substance rather than its language. If it passes second reading, it goes to a committee of the House, usually a standing committee. It is at this stage that the government and opposition parties will debate the value of the bill to a specific cause, issue, or matter of national importance. Specific procedural rules govern how long a bill may be debated. However, individual speakers may have the "floor" for anywhere from 10 minutes to several hours.

**Committee Process:** If it passes second reading, the bill goes to a committee of the House, usually a standing committee. At this stage, committees may hear from groups and individuals that are not MPs. The committee considers the bill, clause by clause, before reporting it (with or without amendments) back to the House. The size of these committees varies, but the parties are represented in proportion to their strength in the House itself. Any member of the committee can move amendments. The bill then returns to the House, with or without amendments for Third Reading.

**Third Reading:** Bills returning for approval for Third Reading have been presented, debated, analyzed, amended, and given due process. If the motion for third reading carries, the bill goes to the Senate, where it goes through much the same process. Bills initiated in the Senate and passed there come to the Commons, and go through the same stages as Commons bills.

**Royal Assent:** Royal Assent is given by the Queen's representative in our Parliament - the Governor General. No bill can become law (become an Act) unless it has been passed in identical form by both houses and has been assented to by the Governor General.

## Activity Sheet 1-2: Parliamentary Roles

### Lesson 3

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### **Government Party (13-17 elected members sitting)**

The ruling party has the responsibility of the day-to-day and long-term operation of the federal government. This party must plan, finance and run all aspects of our national government and is viewed as the 'face' of the nation, particularly the Prime Minister.

**Prime Minister:** The leader of the party that holds the largest number of seats in Parliament. The Prime Minister is the chairman of the cabinet, head of state and the leader of the ruling party. The Prime Minister appoints all cabinet posts, leads the government in Question Period and is held accountable for the government's legislative agenda in each Parliament.

**Deputy Prime Minister:** This is an honorary position in the cabinet, appointed by the ruling prime minister. It is a ministry 'without portfolio' but duties include: assuming the role of Prime Minister when he or she is absent or unable to carry on the duties, answering to the opposition in Question Period and working in cabinet.

**Party Whip:** The Party Whip has the responsibility of maintaining party discipline, ensuring that party members vote according to party beliefs and keeping party members in line during Question period.

**Finance Minister:** This is a critical role in Canada's Parliament because he or she must present the budget for each fiscal year and is responsible for keeping the nation's finances in check. The Finance Minister answers all questions of a financial matter in Question Period.

**Cabinet Minister:** Each department of the government has a cabinet minister in charge of that portfolio. The minister sets the agenda or direction for the department and is responsible in Parliament to answer all questions relating to

issues coming out of the department and its activities.

**Backbencher:** All elected members of Parliament that are not assigned a specific portfolio or role are backbenchers. These members are frequently inexperienced, newly-elected or being punished for a lack of party discipline.

#### **Roles to fill:**

- **Prime Minister**
- **Deputy Prime Minister**
- **Party Whip**
- **Minister of Finance**
- **Minister of Justice**
- **Minister of Natural Resources**
- **Minister of Citizenship and Immigration**
- **Minister of National Defence**
- **Minister of Transport and Infrastructure**
- **Minister of National Revenue**

*NB. Total Government Treasury is \$30,000,000,000. The government may increase the GST to 8% for an additional \$475,000,000 but this must be done in Parliament and a vote taken to approve the increase.*

#### **Official Opposition (8-11 elected members sitting)**

The Official Opposition is generally the party that elects the second largest number of seats in the House of Commons. This party has the important task of keeping the actions and policies of the government open and honest. The opposition will question, attack, delay or defeat legislation that is not in the interest of Canadians - or of the opposition party itself. As the 'official opposition' this party receives specific financial and procedural advantages over all other opposition parties.

**Leader of the Opposition:** The Leader of the Opposition is the elected party head that receives the second largest number of seats in Parliament. This person is responsible for keeping the government, particularly the Prime Minister, in line during Question Period and represents the interests of the party in Parliament and the public.

**Party Whip:** The Party Whip has the responsibility of maintaining party discipline, ensuring that party members vote according to party beliefs and keeping party members in line during Question period.

**Finance Critic:** The Finance Critic is a key member of the shadow cabinet because he or she must be aware of all government expenditures, the official budget, and the overall fiscal direction of the government. The Finance Critic asks critical questions of the Finance Minister and government about federal spending.

**Shadow Cabinet:** Each shadow cabinet member plays a role as the opposite, or shadow, of a government minister. For each government portfolio (ministry) there is an opposite critic or shadow cabinet position. The primary role is to keep the government open and honest about its legislative agenda. Critics lead Question Period with specific questions targeted at the legislation supported by the government.

**Backbencher:** All elected members of Parliament that are not assigned a specific portfolio or role are backbenchers. These members are frequently inexperienced, newly-elected or being punished for a lack of party discipline

**Roles to fill:**

- **Leader of The Opposition**
- **Party Whip**
- **Finance Critic**
- **Justice Critic**
- **Citizenship and Immigration Critic**
- **National Defence Critic**
- **Transport and Infrastructure Critic**
- **National Revenue Critic**
- **Natural Resources Critic**

## **Third Party (2-4 elected members sitting)**

This is any opposition party not considered the official opposition. All parties in opposition have a similar role in keeping the government open and honest about its legislative agenda and overall direction for the nation. However, these secondary opposition parties do not have the financial advantages or procedural benefits in Question Period and therefore the impact they may have on government policy is less substantial.

**Party Leader:** Like the other party leaders, this person has been chosen by party membership and would step into the Prime Minister's role if the party received a majority of seats. In Parliament, the party leader's role is similar to that of the official opposition's leader – he or she addresses the government in Question Period, sits on committees and meets all media relations obligations.

**Party Member:** A party member is an MP that has no portfolio or title but does sit on committees, address the government during debate and may probe government policy during Question Period. A party member's loyalty is a balance between party interests and the needs of his or her constituents that elected him or her to office. The balancing of delegate interests (constituency) and trustee (national) interests is one of the challenges of our party system.

**Roles to fill:**

- **Party Leader**
- **Finance Critic**
- **Justice Critic**
- **Citizenship and Immigration Critic**
- **National Defence Critic**
- **Transport and Infrastructure Critic**
- **National Revenue Critic**
- **Natural Resources Critic**

*NB. The representation in Parliament of your party will be smaller than of the ruling party and official opposition therefore party members will take on more than one portfolio.*

## Activity Sheet 1-3: Model Parliament

### Lesson 3

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

In this simulation you will take on the role of a Member of Parliament and have an opportunity to take on leadership roles like Prime Minister, Leader of the Opposition, Party Whip or join the Shadow Cabinet. The government will have the task of passing six pieces of legislation while the opposition will attempt to block, amend or defeat as many bills as possible.

#### Step 1: Party Roles

Once you have joined your party, there are a few tasks that must be organized prior to the opening of Parliament.

1. Choose a leader (Prime Minister, Leader of The Opposition, Party Leader). This should be done by nomination. Each party member writes down the name of a candidate (other than themselves) that they feel would do the best job of leading the party. After all votes are cast, a simple majority is all that is needed to elect a leader.
2. Assign secondary roles, including Party Whip, ministers, critics and backbenchers. All party members must have a specific role with specific legislative responsibilities.
3. Legislative Proposals. All party members now need turn their attention to the six pieces of legislation that will be brought forward in the House during First Reading. Your specific responsibilities depend upon your role. Cabinet Ministers and Critics will be required to present speeches on proposed legislation. Junior Ministers and backbenchers will only present speeches if the Minister is absent, but they must prepare a speech, print a copy

and hand it to the Speaker of The House (teacher).

4. Prepare your clothing and make arrangements to dress in time for class. All Members must dress formally for Parliament.

Notes/Questions:

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#### Step 2: Opening of Parliament

The opening of Parliament includes: Swearing in all members, a review of the rules of the House of Commons, the introduction of cabinet ministers by the Prime Minister and the introduction of the shadow cabinet by the Opposition Leader.

1. Swear in all members. Members will rise one at a time, introduce themselves and be sworn in by the Speaker of The House.
2. The Speaker reviews House rules of conduct and order.
3. The Prime Minister and Opposition Leader introduce cabinet/shadow cabinet.

### Step 3: First Reading

The first working session of Parliament will include the Speech from the Throne, ministerial speeches about proposed legislation, a budget speech from the finance minister, a speech from the Opposition Leader and the first Question Period.

1. Governor General reads the Speech from the Throne – an official speech detailing the government's plan for the current Parliament.
2. Each Cabinet Minister gives a brief speech introducing the proposed legislation and explaining its necessity to our nation.
3. The Finance Minister presents the budget speech, outlining all of the expenses for the coming Parliament and fiscal year.
4. The Opposition Leader gives a speech outlining any concerns and possible directions for the current government.
5. We will have our first Question Period in which members of the opposition parties will field questions for cabinet ministers, the Prime Minister and the Finance Minister. Question Period will last about 20 minutes.

*NB. On this day you will hand in a typewritten copy of your speech. This applies to the Prime Minister, Opposition Leader and Finance Minister.*

Notes/Questions:

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### Step 4: Second Reading

Prior to second reading, there will be time to meet in caucus and finalize the pieces of legislation to be presented in second reading as well as prepare speeches on each bill. Opposition members will prepare speeches to question the value and purpose of legislation proposed by the government. In Second Reading the government presents each piece of legislation in detail offering explanations for its value to our citizens.

1. The Prime Minister introduces each cabinet minister who will each give a 3-5 minute speech outlining the details of the legislation.
2. Opposition members from the shadow cabinet must give a 2-3 minute speech criticizing the proposed legislation.
3. We will have our second Question Period.
4. After Question Period there will be a negotiation phase where all members will have an opportunity to find support for legislation or find allies to block the passage of bills.

*NB. At this stage all members of the House must hand in a typewritten speech, regardless of whether or not you present the speech during Second Reading.*

### Step 5: Committee Stage

All legislation must go through a committee stage in order to gain public support, feedback, revision and reconsideration before getting to Third Reading. We will form ad hoc committees for each bill which will be chaired by the minister responsible and have representatives from all three parties. These committees are responsible for bringing the bill to its final form.

1. Formation of ad hoc committees. Cabinet ministers assigned responsibility to chair the committee (this means they are in charge).

2. Each committee reviews the proposed legislation and discusses any possible changes or amendments to the bill. A record of the discussion must be kept and the final copy of the bill must be typed up for presentation in Third Reading.
3. Committee reports to be prepared by all ministers and turned in to the Speaker prior to Third Reading.

Notes/Questions:

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### Step 6: Third Reading

We have reached the final stage and are ready to vote on each piece of legislation. If the government has held its majority in the House this should be a simple process; but if not, any legislation that does not receive a majority of votes will be defeated.

Bills that are defeated by vote during third reading present two problems for the government: first, the bill is defeated and must begin the legislative process all over again or be dropped from the government's agenda. Second, the defeat of a bill in third reading means the government does not have the support of the House, and by parliamentary tradition it does not have the "confidence of the people." This means that the government should step down

and call an election. An exception to this is when a bill is under a 'free vote' where MPs may vote according to their conscious and not according to how their party wants them to vote.

Opposition parties may also attempt to bring down the government by calling for a 'vote of non-confidence' during Question Period. If a majority of Members vote against the government it must resign and call an election.

1. We begin with Question Period to settle any last minute concerns about the proposed legislation.
2. A brief caucus meeting will allow the government to make any final amendments and prepare for the final vote.
3. Each cabinet minister will rise and present the bill in its final wording. A vote will be held where each member of the House must rise and give assent or dissent to each bill.
4. The government must pass a minimum of five pieces of legislation and cannot be defeated in any vote during Third Reading.

*NB. ALL ministers that chaired a committee must turn in a copy of the notes from the committee and a final copy of the proposed legislation. Each piece of legislation must be signed-off by the Prime Minister and Finance Minister.*

*NB. All students are responsible to hand in the above assignments on the final day of our model parliament.*

## Activity Sheet 1-3: Legislative Bills for Model Parliament

### Lesson 3

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

**Bill 1:** “An Act to amend the minimum and maximum ages for young offenders.”

- This bill proposes a change to the ages for young offenders from the present age of 12-17 years to the age of 10-18 years.

Cost of the bill: \$23,000,000

**Bill 2:** “An Act to amend the *Immigration Act* to include specific quotas for non-English speaking applicants”.

- Second language classes, skills training, employment limitations and educational attainment are impacting the economic development of the nation. An increased emphasis on employable, skilled and educated immigrants will increase our economic development and reduce up-front social benefits costs.

Cost of the bill: \$12,000,000

**Bill 3:** “An Act to create a trans-Canada high-speed railway linking Montreal, Quebec, with Vancouver, British Columbia.”

- This bill proposes the construction of a high-speed railway for passenger service across Canada. Terminals will be placed in most major cities from BC to Quebec but will not include Nova Scotia or New Brunswick.
- The service will be constructed in stages over 10 years and funding will be allocated on a progressive basis to a maximum of \$25,000,000,000 in any one year.

Cost of the bill: \$250,000,000,000

**Bill 4:** “An Act to impose an excise stamp on all tobacco products manufactured or imported in Canada”.

- An excise stamp is a tax and also a means of identifying illegal or counterfeit cigarettes and tobacco products. Much like the security features on our currency, the stamp would be near impossible to manufacture and make it difficult to import counterfeit tobacco products. In 2007-2008 this amounted to almost \$2.4 billion in lost government revenue through taxes paid on tobacco sales.

Cost of the bill: \$168,000,000

**Bill 5:** “An Act to increase the military defence budget by 20% to allow for improved equipment and additional personnel”.

- Canada’s commitments to NATO, the United Nations and national security require an increased investment in military equipment and personnel. The previous government reduced military budgets to basic service levels therefore much equipment is antiquated and personnel understaffed.

Cost of the bill: \$3,650,000,000

**Bill 6:** “An Act to explore and develop natural gas and other resources in Canada’s Arctic region.”

- The Arctic is rich in mineral resources and fossil fuels. Canada’s energy needs and economic growth depend on new discoveries and the production of such resources.

Cost of the bill: \$458,000,000

## Activity Sheet 2-1: Reflection and Debriefing

### Lesson 3

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

At the end of the process you will complete a summary activity to reflect on the legislative process:

1. Write a reflections journal outlining the advantages and disadvantages of the legislative process from the perspective of your role.

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2. Write a critique of our legislative process from the perspective of a Canadian citizen. Consider how bills are proposed, the advantage held by the ruling party, the challenge of balancing national and constituent interests, the role of the opposition, and the influence of lobbyists and special interest groups.

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## Lesson 3

[illegible]

### Lesson 4: Federal Political Parties and Party Ideology

#### ■ Overview

This lesson is focused on developing knowledge of and understanding about the core political ideologies as they evolved in the 20<sup>th</sup> century. The lesson is not intended to create significant depth on each ideology but to expose students to the range of political ideas that have some currency in modern politics. The lesson is also expected to aid in the refinement of existing political thought held by the students in your class.

#### ■ Objectives

Students will

- Identify and understand the political platform of each major federal party.
- Understand the fundamental tenets of each federal party's ideology and place each party within the political spectrum or compass.
- Understand how to get involved in a political party.

#### ■ Basics for the Teacher

See *Activity Sheet 2-1: Political Ideologies Discussed* for the basics for this lesson.

#### ■ Student Handouts

*Activity Sheet 1-1: Your Political Compass*

*Activity Sheet 2-1: Political Ideologies Discussed*

*Activity Sheet 2-2: Political Ideologies Chart:*

*Activity Sheet 3-1: Town Hall Meeting*

#### Instructions for the Teacher

The curriculum you will teach is contained in the various handouts, black line masters and answers sets contained in this lesson. Activity sheets provide background details, knowledge components, directions and assigned work. The materials developed for this lesson use a variety of strategies but emphasize active learning and listening, presentation skills, pre-reading strategies and pretests to help prepare students. Access to a computer, at home or at school, will be an important component of these lessons. However, materials have been provided to allow the teaching of these lessons without classroom computer use - with the exception of some extension activities.

#### Activity 1: Your Political Compass

This activity is designed to introduce the concept of political ideology to the students and have them recognize that they have already formed a core of beliefs related to a political ideology. Provide each student with *Activity Sheet 1-1: Your Political Compass* and have them complete the questions on the sheet and calculate a personal score. Once each set of questions is completed and calculated, have them plot the scores on the grid. Where the two points meet will indicate a broad political position. Have students present the scores or conduct a quick tally and debrief the meaning of each position. This is a good time to discuss why students might find themselves bordering on two different ideological positions. Ask the students why the compass emphasizes personal and economic issues. Steer the conversation into a discussion about the basic purpose of political ideologies.

Alternatively, you could use the political compass quiz found at [www.politicalcompass.org](http://www.politicalcompass.org) for the same purpose. It has more detailed questions but only takes about 5 minutes to complete. It could be assigned for homework. It also shows a number of famous people and where they sit on the political compass which will be of interest to you and your students.

### Activity 2: Political Ideologies

In this activity students will explore five common ideologies from the 20<sup>th</sup> century. Have the students complete *Activity Sheet 2-2: Political Ideologies Chart* by using the key terminology and the notes that are provided in *Activity Sheet 2-1: Political Ideologies Discussed*. You can provide additional resources or have your students do some additional research. It is advisable to review the chart and terms prior to moving to the next activity.

### Activity 3: Town Hall Meeting

Students will now apply the knowledge and understandings gained from the first two activities to a specific ideology and set of issues. This is a group activity and you may want to assign students to groupings to create some diversity and challenge to the presentations in the ‘town hall meeting.’

Begin by providing students with *Activity Sheet 3-1: Town Hall Meeting* after they are arranged in groups. Review the guidelines in some detail and allow for some questions from the student groups. You may choose to assign an ideology to each group or have the student groups pick one. Explain to the groups that they will adopt the ideology and use it to tackle the issues at the town hall meeting.. It is important that each ideology is applied authentically in order to stimulate maximum discussion and debate during the presentation.

Allow student groups one to two classes to prepare the brochure and organize representatives for the Town Hall Meeting (you may want to allow one more day to hand in the brochure). It is important that only one student of the group is assigned to each issue and that this individual be the one to present the issue and solutions at the meeting. The presentation should be approximately five minutes in length for each topic (multiply by five teams for about 30 minutes to complete the presentation). At

this point the moderator (teacher) will direct questions at each student to probe how well the student has applied the ideology to the issue and solution. You may also want to have them debate among themselves by targeting solutions that are in opposition or conflict and then questioning the different approach taken by each student.

## ■ Assessment

In Activity 1, use the scoring grid on the Political Compass to review the scores with the students. However you may want to assign participation marks to students that volunteer answers during the debriefing stage.

In Activity 2, use the answer rubric provided (*Activity Sheet 2-2: Political Ideologies Chart Answer Key*) to review the student chart. Charts can be graded on a completion basis or by correlating student answers with *Activity Sheet 2-1: Political Ideologies Discussed* if this is the only source used to complete the chart.

In Activity 3, use *Activity Sheet 3-1: Political Ideologies Brochure Evaluation Rubric* for the brochure and assess the town hall debate using established presentation/public speaking guidelines. For reference see the general rubric provided at the end of this lesson.

## ■ Extension Activities

1. Conduct Internet research on an extremist political party (e.g., British National Party) and prepare a summary of its core beliefs. What is the appeal of such a party? Who might support or vote for a party with extreme social, racial, economic or religious beliefs?
2. Research one of the Canada’s federal political parties and draft a comparison chart between the beliefs of the party and the principles you have learned while studying ideologies. Consider that Canada has Conservative (Conservative, Bloc Quebecois), Liberal (Liberal), Socialist (New Democratic Party) and Communist (Communist Party of Canada) parties at the federal level.

### WHERE DO YOU STAND POLITICALLY?

*To find out, take the world-famous...*

# World's Smallest Political Quiz

**For years, politics** has been represented as a choice between left (or liberal) and right (or conservative). Growing numbers of thinkers agree this is far too narrow a view — and excludes millions of people. The political map on the Quiz gives a much

more accurate representation of the true, diverse political world. **The Quiz measures tendencies, not absolutes.** Your score shows who most agrees with you in politics, and where you agree and disagree with other political philosophies.

—Scoring: For each statement, circle A if you Agree, M for Maybe (or don't know), or D if you Disagree.—

#### How do you stand on PERSONAL ISSUES?

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>Government should not censor speech, press, media or Internet.</li> <li>Military service should be voluntary. There should be no draft.</li> <li>There should be no laws regarding sex between consenting adults.</li> <li>Repeal laws prohibiting adult possession and use of drugs.</li> <li>There should be no National ID card.</li> </ul> | <p>20 10 0</p> <p>A M D</p> <p>A M D</p> <p>A M D</p> <p>A M D</p> <p>A M D</p> |
|---|---|

**SCORING** 20 for every A, 10 for every M, and 0 for every D: \_\_\_\_\_

#### How do you stand on ECONOMIC ISSUES?

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>End "corporate welfare." No government handouts to business.</li> <li>End government barriers to international free trade.</li> <li>Let people control their own retirement: privatize Social Security.</li> <li>Replace government welfare with private charity.</li> <li>Cut taxes and government spending by 50% or more.</li> </ul> | <p>20 10 0</p> <p>A M D</p> <p>A M D</p> <p>A M D</p> <p>A M D</p> <p>A M D</p> |
|--|---|

**SCORING** 20 for every A, 10 for every M, and 0 for every D: \_\_\_\_\_

### ► NOW FIND YOUR PLACE ON THE CHART!

Mark your **PERSONAL** score on the lower-left scale; your **ECONOMIC** score on the lower-right. Then follow the grid lines until they meet at your political position. The Chart shows the political group that agrees with you most.

### ► WHAT DOES YOUR SCORE ON THE CHART MEAN?

**LIBERTARIANS** support a great deal of liberty and freedom of choice in both personal and economic matters. They believe government's only purpose is to protect people from coercion and violence. They value individual responsibility, and tolerate economic and social diversity.

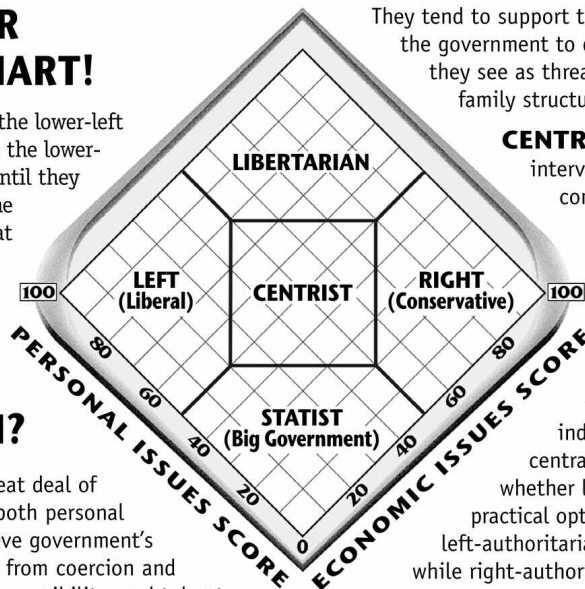
**LEFT-LIBERALS** generally embrace freedom of choice in personal matters, but support central decision-making in economics. They want the government to help the disadvantaged in the name of fairness. Leftists tolerate social diversity, but work for what they might describe as "economic equality."

**RIGHT-CONSERVATIVES** favor freedom of choice on economic issues, but want official standards in personal matters.

They tend to support the free market, but frequently want the government to defend the community from what they see as threats to morality or to the traditional family structure.

**CENTRISTS** favor selective government intervention and emphasize what they commonly describe as "practical solutions" to current problems. They tend to keep an open mind on political issues. Many centrists feel that government serves as a check on excessive liberty.

**STATISTS** want government to have a great deal of control over individuals and society. They support centralized planning, and often doubt whether liberty and freedom of choice are practical options. At the very bottom of the chart, left-authoritarians are usually called socialists, while right-authoritarians are generally called fascists.



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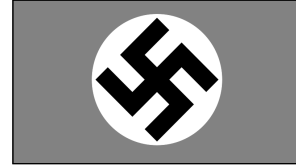
## Activity Sheet 2-1: Political Ideologies Discussed

### Lesson 4

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### Fascism

Fascism evolved in the post-World War I instability of Italy. Benito Mussolini harkened back to the days of Italian glory, power and empire during Imperial Rome. The fasces were a symbol of imperial authority - an axe bound by 12 rods symbolizing the Law of 12 Tables. Mussolini, Adolf Hitler and Francisco Franco implemented the ideology in various forms during the turmoil of the 1920s and 1930s. The state directs the economy towards the production of military hardware but allows for individual economic inequality. The state imposes severe censorship and intellectual control; intellectual equality is gained through media manipulation and education. Cult of the leader is prominent in all fascist states and dictatorship is the common form of government.



#### Conservatism

Conservatism evolved out of the Enlightenment and Industrial Revolution that shaped and changed most European monarchies and caused considerable social unrest. Edmund Burke, Thomas Hobbes and Joseph de Maistre contributed key ideas to the ideology. The system believes in a free market economic system that allows for each to attain what his or her ability and means will allow. Censorship is common on issues of morality and anything deemed harmful to society. Religious institutions, while separate from the state, have considerable influence on values and the moral fabric of society. Conservative states tend to look to the past and tradition when faced with social unrest. In this, conservatives and fascists are similar - harkening back to better times as a means to cope with social, political or economic change. Early conservatives favoured the authority of a monarchy but this view changed in the 19<sup>th</sup> century and most conservatives support a democratic form of government.

#### Communism

This ideology came out of the economic changes and social political thought of the late 17<sup>th</sup> and early 18<sup>th</sup> centuries. Workers (proletariat) suffered intolerable exploitation in wages and working conditions while industry owners (bourgeoisie) reaped the economic gains. Karl Marx, an economist, and his colleague Friedrich Engels are often given credit for the development of communist thought because of the publication of the



"Communist Manifesto" in 1848. However, in the 20<sup>th</sup> century, revolutions led by V.I. Lenin, Mao Zedong, Fidel Castro and Ho Chi Minh applied Marxist theory to the creation of communist states. All communist states employ a command economy in which the state redistributes and regulates all resources. Intellectual equality through state-sponsored education and state-controlled media creates restrictive censorship of media, education and public protest. The communist experiments of the 20<sup>th</sup> century relied upon force, censorship and one-party politics to maintain power. While many proclaim themselves republican, the absence of alternative political parties reduces the veracity of such claims.

## Socialism



Robert Owen

The turmoil of the Industrial Revolution that motivated the development of Marxism also contributed to the development of socialist thought, though socialism predates communism. Both Robert Owen and Henri de Saint Simon wanted secession from capitalist society. Owen established the community of New Harmony, Indiana, in the mid 1800s. He attempted to establish small communes where labour and profit were shared equally and there was little emphasis on class or rank. State regulation or ownership of major resources is common to socialist states as is regulation of the economy to tip the scales of economic equality for the majority. Today the basis for this economic equality is called a welfare state. Censorship of intellectual ideas is reserved for extreme moral or social issues, thus encouraging intellectual freedom for most. Socialist states are commonly democratic and support multiparty elections.

## Liberalism

Liberalism evolved, as so many of our ideologies did, out of the social, economic and political upheaval caused by the Reformation, Industrial Revolution and Enlightenment. Classical liberals are very similar in economic and intellectual beliefs as conservatives. Reform liberals are similar in beliefs to socialist but with a tendency toward greater economic and intellectual freedom. The basic economic principle followed by most liberals is known as *laissez faire* (leave it alone). Thomas Locke, Adam Smith and Jeremy Bentham are associated with classical or reform liberalism though the list of contributors is much more extensive. From Bentham came the idea that governments should do the greatest good for the greatest number (known as utilitarianism). Democratic forms of government are common to liberal states.



Adam Smith

## Activity Sheet 2-2: Political Ideologies Chart

### Lesson 4

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

	Fascism	Conservatism	Communism	Socialism	Liberalism
Historical Background					
Key Contributors					
Economic Principles (Freedom vs. equality)					
Intellectual Principles (Freedom vs. equality)					
Form of Government					
Role of Church or Religion					

## Activity Sheet 2-2: Political Ideologies Chart

### Lesson 4

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### Ideologies Chart and Concepts

Use the handout and additional materials provided in class to analyze the following political ideologies: *Fascism, Conservatism, Communism, Socialism, and Liberalism*. Complete the chart provided by using your research notes, handouts and class discussion. The chart explores the origins, fundamental goals, form of government and core beliefs of five major ideologies. You will recall that a political ideology is a collective set of ideas, doctrines, myths, ethical principles and moral positions brought together to form some sense of social order. Ideologies answer the basic human questions of, "How will we live together?" and, "What is the most appropriate way to achieve this goal?" Since the advent of mass societies in the post-Industrial Revolution era, such political ideas have become more diverse and important to the organization of human societies.

The following concepts, people, and terms apply to the five ideologies we are studying. You may research these while completing the chart or use them after you have filled in the chart. Both the chart and terms are relevant to our next lesson on applying ideology to practical human problems.

#### Concepts, Terms and Key Figures in the Development of Political Ideologies

Karl Marx	V.I. Lenin	bourgeoisie	proletariat
Robert Owen	welfare state	New Harmony	social democracy
Adolf Hitler	fascies	militarism	Benito Mussolini
Adam Smith	laissez faire	utilitarianism	Classical liberal
Edmund Burke	authoritarian	traditionalism	monarchy



## Activity Sheet 2-2: Political Ideologies Chart

### Lesson 4

**KEY**

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

	Fascism	Conservatism	Communism	Socialism	Liberalism
Historical Background	<b>Rooted in Imperial Rome, the Law of Twelve Tables and the 'fasces' (symbol of imperial authority).</b>	<b>Rooted in Enlightenment reform and Social Darwinism.</b>	<b>Rooted in Industrial Revolution and evolution of socialist thought in 1800's.</b>	<b>Rooted in ideas of the Enlightenment and Industrial Revolution.</b>	<b>Rooted in ideas of the Enlightenment and Industrial Revolution.</b>
Key Contributors	<b>Benito Mussolini, Adolf Hitler, Francisco Franco</b>	<b>Edmund Burke, Thomas Hobbes, Joseph de Maistre</b>	<b>Karl Marx, V.I. Lenin, Mao Zedong</b>	<b>Karl Marx, David Ricardo, Robert Owen</b>	<b>Thomas Locke, Adam Smith, Jeremy Bentham</b>
Economic Principles (Freedom vs. equality)	<b>Limited economic freedom-state directed economy. Focus on economic growth that benefits the state.</b>	<b>Complete economic freedom-free market system encouraged. Market will regulate itself and provide for all.</b>	<b>Command economy. State ownership of all resources and labour-seeks to create economic equality.</b>	<b>State regulation or ownership of major resources-balance of economic freedom and equality.</b>	<b>Classical liberals seek economic freedom with limits. Reform liberals lean toward economic equality.</b>
Intellectual Principles (Freedom vs. equality)	<b>Severe censorship and intellectual control-intellectual equality through media manipulation.</b>	<b>Limited censorship except on moral issues (eg. pornography)-balance of intellectual freedom and equality.</b>	<b>Intellectual equality though state-sponsored education and state-controlled media. Severe censorship common.</b>	<b>Balance between freedom and equality. Restriction or censorship of extreme ideas-morality, violence and sexuality.</b>	<b>Classical liberals similar to conservatives, reform liberals are similar to socialists in intellectual principles.</b>
Form of Government	<b>Dictatorship (One Party State)</b>	<b>Democratic, Constitutional Monarchy (Multiparty State)</b>	<b>Republic, Dictatorship, (One Party State)</b>	<b>Democratic-Constitutional Monarchy (Multiparty State)</b>	<b>Democratic-Constitutional Monarchy (Multiparty State)</b>
Role of Church or Religion	<b>Separation of Church and State.</b>	<b>Separation of Church and State.</b>	<b>Separation of Church and State.</b>	<b>Separation of Church and State.</b>	<b>Separation of Church and State.</b>

## Activity Sheet 3-1: Town Hall Meeting

### Lesson 4

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

In this activity we will examine political ideologies in practice. We will apply the ideas of an ideology to a set of current Canadian issues. Each table group will be given an ideology and a set of problems to explore. Using the core principles and beliefs of the ideology assigned to you, create a political party and a platform for five key issues facing Canadian's. You will present your findings at a Town Hall Meeting where you will be asked questions about the issue and your solutions. Your party will also be asked to prepare a policy statement brochure that includes the following items:

- A logo and a party slogan.
- A summary of your party philosophy (core beliefs).
- Five policy positions in brief.
- Photograph (in uniform if appropriate).
- Contact information (may be fictitious).

A **logo** is a symbol that represents in visual form what you believe. It cannot be a simple replication of an existing symbol (ie. no Swastikas if you are a fascist).

A **slogan** is a brief phrase, not unlike a commercial jingle (ie. Coca-Cola's 2006 slogan "The Coke Side of Life"). The phrase should be brief yet clearly identify the core values of your party.

The summary of **party philosophy** is a restatement of the basic ideas we research for the chart and vocabulary. Take those ideas and draft them into a concise paragraph that provides the public with an understanding of what your party is all about.

The **policy positions** will be developed out of the five national issues presented on this handout. Each issue requires a brief explanation of why it is important, how it impacts our society and what your party is planning to do about if given the authority to do so.

The **photograph** must include all party members, should include some sort of dress-up (though this might be just a shirt and tie) and must be in digital format.

The **contact information** is fictional and will include a website, street address, phone number and possibly links to a blog. This should be placed on the back or last page of the brochure.

Your brochure must be presented on 8.5" x 11" paper, typewritten and formatted. You will be graded on the style and substance of the policy and your philosophy.

## Policy Debate and Presentation of Party Platform

Your party is taking part in a local 'Town Hall Meeting' to discuss important national issues. You hope to gain support for an upcoming election and will use this meeting to communicate some of the core beliefs and values of your party. You must prepare to present and debate your position on a series of core issues. As part of the process the moderator (teacher) for the meeting will ask questions about your solutions to the issues you present.



### Issues for All Candidates Meeting

1. **Youth Crime:** *Should we amend the age of criminal responsibility to include youths between the ages 10-17?*
2. **Immigration:** *Should Canada increase the number of refugees allowed entry in each year?*
3. **Education:** *Should the government increase funding and support for private schools and online (virtual schools) schools as alternatives to public education?*
4. **Narcotics Control:** *Should we decriminalize or legalize marijuana production, distribution or possession?*
5. **Censorship:** *Should the federal government begin the steps to regulate, restrict and censor underage content on the Internet?*

For each of the topics listed you must research and prepare to report on the following:

1. Identify and explain the problem or issue.
2. Explain who is affected by the problem and how.
3. Propose solutions to the problem appropriate for your ideology.
4. Identify the advantages/disadvantages of your solutions.
5. Defend your position relative to other plausible solutions.

The answers to these questions and your research on each of the topics will form the basis for our candidates meeting and the questions from the moderator. Your solutions must reflect the true beliefs coming out of the ideology you have been assigned. For example, it would be in error as a Communist to support the idea of decriminalizing or legalizing marijuana in any way. The purpose of the activity is to have you apply the theories to real world problems and recognize the complexity of applying political ideas to every day issues. Good luck!

## Activity Sheet 3-1: Political Ideologies Brochure Evaluation Rubric

### Lesson 4

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

	Criteria	Score
<b>Party Logo</b>	A <i>logo</i> is a symbol that represents in visual form what you believe. It cannot be a simple replication of an existing symbol (ie. no Swastikas if you are a fascist).	<b>/10</b>
<b>Party Slogan</b>	A <i>slogan</i> is a brief phrase, not unlike a commercial jingle (ie. Coca-Cola's 2006 slogan "The Coke Side of Life"), the phrase should be brief yet clearly identify the core values of your party.	<b>/10</b>
<b>Party Philosophy Statement</b>	The summary of <i>party philosophy</i> is a restatement of the basic ideas we research for the chart and vocabulary. Take those ideas and draft them into a concise paragraph that provides the public with an understanding of what your party is all about.	<b>/25</b>
<b>Policy Position</b>	The <i>policy positions</i> will be developed out of the five national issues presented on the handout. Each issue requires a brief explanation of why it is important, how it impacts our society and what your party is planning to do about if given the authority to do so.	<b>/25</b>
<b>Party Photo</b>	The <i>photograph</i> must include all party members, should include some sort of dress-up (though this might be just a shirt and tie) and must be in digital format.	<b>/5</b>
<b>Contact Information</b>	The <i>contact information</i> is fictional and will include a website, street address, phone number and possibly links to a blog. This should be placed on the back or last page of the brochure.	<b>/5</b>
<b>Design</b>	Brochure must be presented on 8.5" x 11" paper, typewritten and formatted. It will be graded on the style and substance of the policy and philosophy.	<b>/10</b>
<b>Creativity</b>	Layout, use of technology, format of paper, and over-all appearance of brochure.	<b>/10</b>
<b>Total</b>		<b>/100</b>

### Lesson 5: Federal Elections and the Electoral Process

#### ■ Overview

In this brief lesson students are introduced to the processes and procedures of a federal election. Students will uncover word clues, develop a key term list and find the key terms in a word search. Opportunity is available to target specific concepts or issues for further discussion.

#### ■ Objectives

Students will

- Understand and explain how electoral boundaries are created and revised.
- Demonstrate knowledge of the voting process (the writ, enumeration, election campaign, voting, tabulation).
- Identify and understand different electoral systems - first past the post, proportional representation and single transferable vote.

#### ■ Basics for the Teacher

This lesson provides students with the details and procedures of the federal election process. The information provided can be found at the Elections Canada website ([www.elections.ca](http://www.elections.ca)). Information needed for this lesson is in *Activity Sheet 1-1: Elections*.

#### ■ Student Handouts

*Activity Sheet 1-1: Elections*

*Activity Sheet 1-2: Electoral System Word Search*

#### ■ Instructions for the Teacher

##### Activity 1: Elections

This lesson may be assigned as a homework assignment or as an in-class activity. If you are planning to have the students complete the word clues and word search in class it is advisable to assign *Activity Sheet 1-1: Elections* in advance to save reading time and allow for a quick review prior to engaging in the activity. In step one the students use notes, the activity sheet and prior knowledge to uncover the thirty word clues. The students will write out the words before they search for them in the puzzle. Ask students to write the words out on the sheet provided prior to moving on to the word search. Upon completion of the word list it is advisable to review the terms and concepts with the students to round out their understanding of the election process. *Activity Sheet 1-2: Electoral System Word Search* can be completed as a bonus activity, homework or an in class assignment.

#### ■ Assessment

The activities in this lesson can be assessed as homework marks, class participation marks or you may score them based on the number of responses - 30 for the word list and 30 for the word search.

#### ■ Extension Activities

1. Contact your local Member of Parliament and conduct an interview on the election process. Consider:
  - Campaign funding
  - Campaign expenses
  - Volunteer staff/staffing
  - Advertisement
  - Campaign platform
  - Delegate independence
  - Party support/infrastructure
2. You are a candidate in the next federal election. Describe five key issues that you would use to build your campaign platform around. For each issue explain the 5 W's (who, what, where, when, why).

# Activity Sheet 1-1: Elections

## Lesson 5

Name: \_\_\_\_\_

Block: \_\_\_\_\_ Date: \_\_\_\_\_

(All information adapted from Elections Canada  
([www.elections.ca](http://www.elections.ca))

### Launching an Election

For a general election, the Governor General (at the request of the Prime Minister) dissolves Parliament, and the Governor in Council (the Governor General acting on the advice of Cabinet) sets the date of the election and the date by which returning officers must return the writs.

A writ is a formal document directing a returning officer to conduct an election in his or her electoral district. After election day, the returning officer writes the name of the winning candidate on that district's writ.

By law, the time between the issue of the writs and election day must be at least 36 days. In practice, general elections usually last 36 days. An exception was the 39th general election, which included the 2005 Christmas and New Year holiday period and lasted 55 days.

### Issuing the Writs

Once advised of the election, the Chief Electoral Officer sends a notice to each returning officer, directing him or her to rent office space, open a returning office and provide the services that enable electors to exercise their right to vote. At the same time, the writs of election are being printed, giving the dates for election day and for the close of nominations. After signing the writs, the Chief Electoral Officer sends one to each returning officer, who then publishes a notice of election informing voters of the important dates and other details.

### The Election Call

1. The Prime Minister asks the Governor General to dissolve the House of Commons (or the Government loses a confidence vote in the House of Commons).

2. The Governor General issues a proclamation dissolving Parliament and directing that the writs of election be issued.
3. The Chief Electoral Officer issues writs that direct returning officers to hold an election in each electoral district.
4. Returning officers open their offices.
5. Voting by special ballot begins.
6. Elections Canada sends preliminary lists of electors to returning officers.
7. Preliminary candidates and party election expenses limits are calculated.
8. Revision of the lists of electors begins.
9. Returning officers mail voter information cards to registered electors.
10. Returning officers receive candidates' nomination papers and deposits.
11. Canadian Forces electors begin voting.
12. Voting at advance polls takes place.
13. Voting by incarcerated electors and those in acute care hospitals begins.
14. Revision ends, and the deadline for special ballot registration expires.
15. Revised candidate and party election expenses limits are calculated.

### Election Day

1. Electors vote at ordinary and mobile polling stations.
2. Preliminary voting results are available after the polls close across the country.

### Voting

There are a number of ways to vote. The most common way is at the polls on election day. Voters can also cast their ballots at an advance poll or by special ballot, either at the office of the returning officer or through the mail. As additional services, Elections Canada provides

mobile polls for voters living in chronic care institutions and, in certain cases, bedside voting by special ballot for voters in acute care hospitals. In exceptional circumstances – where a voter is registered for a special ballot but cannot go to the office of the returning officer or mark the ballot because of a disability – an election officer can go to the voter’s home to help mark and receive the ballot in the presence of a witness.

### **Ordinary polls**

This is the method of voting used by the vast majority of voters. During the hours of voting on election day, electors go to the polling station indicated on their voter information cards, have their names crossed off the list and go behind a voting screen to mark a ballot.

### **Voting hours on election day and staggered voting hours**

To compensate for Canada’s six time zones, polls open and close (in local time) as follows:

Newfoundland Time	8:30 a.m. – 8:30 p.m.
Atlantic Time	8:30 a.m. – 8:30 p.m.
Eastern Time	9:30 a.m. – 9:30 p.m.
Central Time	8:30 a.m. – 8:30 p.m.
Mountain Time	7:30 a.m. – 7:30 p.m.
Pacific Time	7:00 a.m. – 7:00 p.m.

The *Canada Elections Act* requires polling stations to be open for voting for 12 consecutive hours on election day. The hours of voting are staggered by time zone, so that a majority of results will be available at approximately the same time across the country. If necessary, the

Chief Electoral Officer may modify the voting hours in a riding to make them coincide with the voting hours in other ridings in the same time zone.

### **Marking the Ballot**

At the polling station specified on the voter information card, the poll clerk crosses the voter’s name off the voters list. The deputy returning officer hands the voter a folded ballot with the initials of the deputy returning officer on the outside. The voter then re-folds the ballot so that the deputy returning officer’s initials are visible and hands it to the deputy returning officer.

The deputy returning officer checks the initials and the number shown on the counterfoil, removes the counterfoil and discards it, and returns the ballot to the voter. The voter, or the deputy returning officer at the voter’s request, places the folded ballot in the ballot box. The poll clerk then places a mark in the “Voted” column beside the elector’s name on the voters list.

### **Advance Voting**

Three days – Friday, Saturday and Monday, the 10th, 9th and 7th days before polling day – are designated for advance voting to accommodate electors who know that they will be unable, or do not wish, to vote on election day. Advance polls are open between the hours of noon and 8:00 p.m.

### **Special Ballot**

The *Canada Elections Act* provides alternative procedures for voting specifically designed for, but not limited to, electors who:

1. Reside temporarily outside Canada (less than five consecutive years, with certain exceptions) at the time of an election.
2. Reside in Canada, but might be away from their electoral districts when it is time to vote.
3. Are members of the Canadian Forces.
4. Are incarcerated.

Joshua Berson Photography



Any elector can register to vote by special ballot at any point before the sixth-to-last day before election day. Application forms are available from returning officers, on the Elections Canada website or directly from Elections Canada in Ottawa. Once the registration is accepted, a kit containing a ballot and three envelopes is mailed to the elector. Once registered to vote by special ballot, an elector cannot vote in any other way. Electors can vote only for a candidate who is running in their own electoral district no matter where they cast and mail their special ballots. To preserve secrecy, the elector seals the special ballot in the unmarked envelope, puts that sealed envelope in the envelope with the electoral district's name on it, seals this second envelope and puts it in the mailing envelope.

## The Results

Shortly after the polls close on election day, the unofficial results begin to come in to Elections Canada. As the reports arrive from the various polling stations on election night, Elections Canada releases the results to the media for immediate publication or broadcast. Simultaneously, Elections Canada hosts a live feed on its Web site of the unofficial results by riding, by major centre, by province or territory, nationwide and by political party.

## Wrap-up

1. Returning officers carry out the validation of the results.
2. Judicial recounts are conducted if necessary.
3. Returning officers return the writs, which declare the winning candidate in each riding.
4. New members of Parliament are sworn in, and the new Parliament is convened.
5. The Chief Electoral Officer reports on the election and the official results.
6. Candidates, political parties and third parties submit financial reports.
7. Reimbursement of expenses to candidates and political parties takes place.
8. Candidates dispose of surplus funds.

## Validation of the Results

Within seven days of election day (unless exceptional circumstances prevent some ballot boxes from being available on time), each returning officer validates the results by examining the documents relating to the vote count to verify the election night calculations. Only after the validation has been completed can the official voting results be published.

## Judicial Recounts

A judicial recount is automatically requested by the returning officer and conducted by a judge if the number of votes separating the candidate with the most votes and any other candidate is less than one 1000th of the total number of votes cast in that electoral district. A recount may also be conducted if it appears to a judge to whom a request for a recount has been made that an error may have occurred during the count.

If the two top-ranking candidates have each received the same number of votes after a recount, a new election is held in that electoral district.

## Election Reports

### *The Return of the Writs*

After the sixth day following the validation of the results (or immediately after a judicial recount), the returning officer records the winning candidate's name on the writ received at the beginning of the election, signs it and returns it to the Chief Electoral Officer.

### *The Chief Electoral Officer's Reports*

After each general election, the Chief Electoral Officer must submit three public reports to the Speaker of the House of Commons. The first covers the official voting results by polling division and is published without delay. The second, published within 90 days of the return of the writs, is a report on the election and any activities of Elections Canada since the date of the previous narrative report that the Chief Electoral Officer considers should be brought to the



attention of the House of Commons. As soon as possible after a general election, the Chief Electoral Officer also reports on any changes to the electoral legislation that he judges desirable for the better administration of the *Act*. Elections Canada publishes each of these reports in print form and makes them available on-line at [www.elections.ca](http://www.elections.ca).

## By-Elections

When a seat in Parliament becomes officially vacant in between election periods, the Speaker of the House of Commons must inform the Chief Electoral Officer immediately with a Speaker's warrant. Between the 11th and the 180th day after the Chief Electoral Officer receives this warrant, the Governor in Council must set the date for holding a by-election. Once the date is known, the Chief Electoral Officer issues a writ to the returning officer of the electoral district concerned, directing him or her to hold a by-election on that date. If a general election is called after the by-election writ has been issued and before the by-election is held, the writ for the by-election is considered withdrawn, and the Chief Electoral Officer publishes a notice in the Canada Gazette to that effect.

## Referendums

Three federal referendums have been held in Canada since Confederation: in 1898, on whether to prohibit the sale of alcohol; in 1942, on compulsory military service (conscription); and in 1992, on the Charlottetown constitutional accord. Under the *Referendum Act* that came into force just before the 1992 referendum, only questions related to the Constitution of Canada can be asked in a federal referendum.

Federal referendums and elections cannot be held on the same day. The *Referendum Act* allows the Chief Electoral Officer to adapt the *Canada Elections Act* by regulation for the purposes of applying it to a referendum.

## Activity Sheet 1-2: Electoral System Word List

Read over the notes above and list the terms or concepts you think are important below on this list. Later you will be given a word search to complete using this list of words.

1. \_\_\_\_\_
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28. \_\_\_\_\_
29. \_\_\_\_\_
30. \_\_\_\_\_

## Activity Sheet 1-2: Electoral System Word Search

### Lesson 5

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

**Use the correct word, term or concept from your word list for each of the clues below.**

1. Another word for an electoral district. \_\_\_\_\_
2. There are \_\_\_\_\_ electoral districts in Canada.
3. The form of electoral system use in Canada. \_\_\_\_\_
4. The second step in the election process is termed "dropping the \_\_\_\_\_".
5. These boundaries are based on population and geography. \_\_\_\_\_
6. An alternative voting system; common to European countries. \_\_\_\_\_
7. The act of selecting a candidate on the ballot. \_\_\_\_\_
8. The agency in charge of federal elections. \_\_\_\_\_
9. All persons eligible to vote are collectively known by this term. \_\_\_\_\_
10. You can only vote in a federal election if you are a Canadian \_\_\_\_\_.
11. The process of registering voters. \_\_\_\_\_
12. These are used to read the 'mood' of voters. \_\_\_\_\_
13. A blended form of voting. It was suggested for BC in the last two elections. \_\_\_\_\_
14. The members of a riding are also known as \_\_\_\_\_.
15. The local workplace of a Member of Parliament is called the \_\_\_\_\_ office.
16. The process of counting votes after the polling stations have closed. \_\_\_\_\_
17. An election must be held once in every \_\_\_\_\_ years except in times of emergency or war.
18. This term describes the closing of Parliament in order to call an election. \_\_\_\_\_
19. Changing or redefining electoral boundaries is called \_\_\_\_\_.
20. All elected candidates will serve in \_\_\_\_\_.
21. The person that oversees all aspects of the federal election process. \_\_\_\_\_
22. Candidates in an election have limits placed on contributions and \_\_\_\_\_.
23. Each local candidate is \_\_\_\_\_ by the members of the party.
24. Voters go to a \_\_\_\_\_ station on the day of an election to fill in a ballot.
25. The \_\_\_\_\_ at the request of the Prime Minister announces the call for an election.
26. Polling stations must be open for a minimum of \_\_\_\_\_ consecutive hours on an election day.
27. In 2002 these Canadians received the right to vote in federal elections. \_\_\_\_\_
28. The law that covers all elements of the federal election process and procedures. \_\_\_\_\_
29. If you cannot vote on the day of an election there are \_\_\_\_\_ for three days prior to submit a ballot.
30. Polling is frequently set up at local churches or \_\_\_\_\_.

Use the correct word, term or concept from your word list for each of the clues below.

1. Another word for an electoral district. **Riding**
2. There are **308** electoral districts in Canada.
3. The form of electoral system use in Canada. **First Past the Post**
4. The second step in the election process is termed "dropping the **Writ**".
5. These boundaries are based on population and geography. **Constituencies**
6. An alternative voting system; common to European countries.  
**Proportional Representation**
7. The act of selecting a candidate on the ballot. **Voting**
8. The agency in charge of federal elections. **Elections Canada**
9. All persons eligible to vote are collectively known by this term. **Electorate**
10. You can only vote in a federal election if you are a Canadian **Citizen**.
11. The process of registering voters. **Enumeration**
12. These are used to read the 'mood' of voters. **Polling**
13. A blended form of voting. It was suggested for BC in the last two elections.  
**STV (Single Transferable Vote)**
14. The members of a riding are also known as **Constituents**.
15. The local workplace of a Member of Parliament is called the **Electoral District** office.
16. The process of counting votes after the polling stations have closed. **Tabulation**
17. An election must be held once in every **five** years except in times of emergency or war.
18. This term describes the closing of Parliament in order to call an election. **Dissolution**
19. Changing or redefining electoral boundaries is called **Redistribution**.
20. All elected candidates will serve in **Parliament**.
21. The person that oversees all aspects of the federal election process.  
**Chief Electoral Officer**
22. Candidates in an election have limits placed on contributions and **expenses**.
23. Each local candidate is **nominated** by the members of the party.
24. Voters go to a **Polling** station on the day of an election to fill in a ballot.
25. The **Governor General** at the request of the Prime Minister announces the call for an election.
26. Polling stations must be open for a minimum of **12** consecutive hours on an election day.
27. In 2002 these Canadians received the right to vote in federal elections. **Prisoners**
28. The law that covers all elements of the federal election process and procedures.  
**Canada Elections Act**
29. If you cannot vote on the day of an election there are **Advance Polls** for three days prior to submit a ballot.
30. Polling is frequently set up at local churches or **Schools**.

### Lesson 6: Federal Court and the Supreme Court of Canada

#### ■ Overview

This unit begins our examination of Canada's legal system with a review of key components and responsibilities of Canada's federal courts. The lesson will examine the function and responsibilities assigned to the various federal courts, with specific emphasis on the Supreme Court of Canada. The lesson examines the concept of judicial independence and its significance to the integrity of our court system.

#### ■ Objectives

Students will

- Distinguish between the role and function of Canada's Federal Trial Court, Federal Court of Appeal and Supreme Court of Canada.
- Understand the different types of disputes heard in federal courts.
- Demonstrate an understanding of the concept of judicial independence.

#### ■ Basics for the Teacher

See *Activity 1-1: Canada's Judicial System* for the basics for the lesson.

#### ■ Student Handouts

*Activity Sheet 1-1: Canada's Judicial System*

*Activity Sheet 1-2: Law Courts Quiz Show*

*Activity Sheet 2-1: Supreme Court Review*

*Activity Sheet 2-2: Supreme Court Diagram*

#### Instructions for the Teacher

##### Activity 1: Law Courts Quiz Show

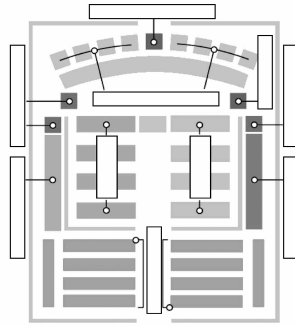
Students will begin with a "Jeopardy"-style game with questions about Canada's judicial system - specifically the Federal Court, judicial independence and the Supreme Court of Canada. Hand out *Activity Sheet 1-1: Canada's Judicial System* as a pre-reading exercise. This can be assigned as homework or completed in class using a note taking or pre-reading strategy (Cornell notes, SPQR).



Hand out *Activity Sheet 1-2: Law Courts Quiz Show* (first page only) or use a transparency to copy and put on an overhead. Place students in teams of four or five and instruct them to provide a contestant for each round of questioning. The students choose a category and point value. Read the answer from that category and have the student answer in the form of a question, like in the TV game show "Jeopardy." Each category comes with a bonus question you may insert at any time giving double the point value. The game is complete when all questions have been completed or when a team meets a predetermined score. Debrief at the end of the session and prepare students for Activity 2.

## Activity 2: Supreme Court (SCC)

Students will complete *Activity Sheet 2-1: Supreme Court Review* and *Activity Sheet 2-2: Supreme Court Diagram* as review activities. It is expected that students will have gaps in some knowledge and that they will have to conduct research. Direct students to the Supreme Court of Canada website ([www.scc-csc.gc.ca](http://www.scc-csc.gc.ca)) to access information about the function and significance of the highest court (other resources may be used as required).



## ■ Assessment

The activity notes can be graded as part of your homework or class participation marks. The quiz game is not intended to be graded; however, the teams may receive a predetermined score based on the number of correct answers given or you may want to assign a divisor to the point total achieved by each team and assign that as a mark for each team member (eg. 10 marks = 100 points scored).

Both of the activity sheets for Activity 2 can be scored directly out of 10 or you can consider giving completion marks. Students will require access to the website or have resources in class to complete the diagram and questions accurately - consider this when grading the assignment.

## ■ Extension Activities

1. Research the case *Beauregard v. Canada* [1986] 2 S.C.R. 56 and write a report explaining the details of the case and how this case established guidelines for judicial independence.
2. Using the Supreme Court of Canada website ([www.scc-csc.gc.ca](http://www.scc-csc.gc.ca)) and other resources, research one of the Chief Justices from the court. The Chief Justice has an important role in the operation of the court and is the 'face' of the court to Canadians. Those who have served in this role have made significant contributions to jurisprudence in Canada and to society. Your report can focus on key judgments, legal precedents, biographical details or legal career.
3. Conduct further investigation on the judicial system of Nazi Germany, particularly the case of the "White Rose" - a resistance group that faced a show trial under infamous Nazi judge Roland Freisler. Write a report on the absence of judicial accountability in Nazi Germany.
4. In October 1970, the federal government, under Prime Minister Pierre Elliot Trudeau, declared Canada in a state of emergency and invoked the *War Measures Act*. Investigate the origins and substance of the *War Measures Act* and discuss your position on the use of this act to deny Canadians their basic rights.

# Activity Sheet 1-1: Canada's Judicial System

## Lesson 6

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

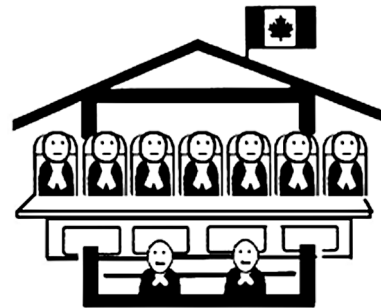
### The Federal Court of Canada

The Federal Court, formerly called the Court of the Exchequer, contains two types of court - an appeal court and a trial court. In this it is distinct from the Supreme Court of Canada that sits for appeals and is not a trial court.

The Federal Court hears disputes originating in judgments from federal tribunals and disagreements between departments of the federal government. Although the court has existed in some form since 1875 and came to its present form in 2003 when the two divisions of the Federal Court (1971) were split in two separate courts. The court does not use juries and at any given time 30 or more judges sit on its various bodies (see [www.fct-cf.gc.ca](http://www.fct-cf.gc.ca) for more information).

### The Supreme Court of Canada

The Supreme Court of Canada's origins date back to 1875; however, until 1949, it was not the 'court of last resort.' Criminal cases could be appealed to the Judicial Committee of the Privy Council of England until 1933 and civil cases until 1949. In 1949, the court also added two judges to reach the total of nine that sit on the court now.



By law three of the nine judges must be from Quebec and traditionally three are from Ontario, two are from the West and one is from Atlantic Canada. It took some time for the first woman to sit on the court, but in 1982 Bertha Wilson broke the equality barrier. At present the Chief Justice of the Supreme Court is Beverly McLachlin who has resided over the court since her appointment in 2000.

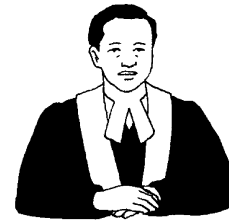
The court does not hold trials but can hear appeals from civil, criminal or federal court cases. It has the authority to grant 'leave to appeal,' meaning that it can choose to hear a case and is not mandated by any law to hear an appeal from a superior court of a province. In its role as the 'court of last resort' its judgments set precedent for all of Canada's lower courts and often impact the daily lives of Canadians. Since the inception of the *Canadian Charter of Rights and Freedoms*, the role of the Supreme Court has been more important as many of its judgments impact our legal, democratic and mobility rights in addition to our freedoms. Judgments need not be unanimous but a majority ruling is given in each case with dissenting judges also offering a judgment.

## Judicial Independence

It is fundamental to our system of justice that our judges are independent, impartial and accountable as well as being free of interference from other governing bodies. *The Act of Settlement (1701)* written in England laid down the framework for the independence of the judiciary because it created a separation of powers between the Crown and the judiciary, though that was not its principle function.

### Basic Elements

- Judges hold office on good behaviour and are (almost) *impossible* to remove, and then only for cause.
- Salaries are set by Parliament (for all judges on same bench, not for individual judges).
- Judges are not answerable to government or bureaucracy for judicial matters.
- Judges are drawn from and are part of an independent legal profession.
- Judicial discretion is limited by a guiding principle - judges apply but do not modify rules.



These principles were established by the *Act of Settlement* and appear in the *Constitution Act, 1867* in similar language. Other rules govern the impartiality of our judges with respect to the cases they hear - they must remove themselves (recuse is the term for judicial disqualification) if there is any connection with the lawyers or litigants in a case they would sit on. Our judges are appointed, unlike some judges in the United States that are elected, thus adding another lawyer of independence and absence of interference by political agendas. Judges are accountable because their decisions can be appealed and because they must follow the rules and procedures of the judicial system.

The importance of judicial independence and the rule of law cannot be underestimated. The rule of law creates an environment where all government bodies, even the law courts, are accountable to the laws of the nation. History is ripe with states that have not lived under the rule of law and where judicial independence has been compromised. The justice system of Nazi Germany witnessed the denial of fundamental rights to its citizens, particularly Jews, Gypsies and those with mental or physical handicaps. The courts were ruled by external bodies that could influence decisions and members of the Nazi Party were given rights denied to other German citizens. Judges were manipulated, intimidated, corrupted and punished if they failed to impose judgments consistent with Nazi party philosophy.

## Activity Sheet 1-2: Law Courts Quiz Show

### Lesson 6

Court Terminology	100	250	400	500
Supreme Court of Canada	100	250	400	500
Judges	100	250	400	500
Federal Court	100	250	400	500
Judicial Independence	100	250	400	500



Dispute Resolution	Plaintiff	Regina or Rex	Style of Cause	Bonus: Adversarial System
1949	Appellate Court	9 Judges	Leave to Appeal	BONUS: Bertha Wilson
Make Rulings	Chief Justice	Write a judgment	Jurisprudence	BONUS: Beverly McLachlin
Trial Court & Appeal Court	1971	Claims against the Federal Government	33 Judges	BONUS: Challenges to Federal Tribunals
Independent, Impartial, Accountable	The Rule of Law	The Act of Settlement 1701	Appointed	BONUS: Judges in Nazi Germany

What is the purpose of our courts?	Who is the complainant in a civil suit?	What is the term for the Crown in criminal cases?	What is the title and names of the parties involved?	What is the type of justice system used in Canada?
When is the beginning of the SCC as we know it?	What are the types of cases heard?	What are the maximum number of judges sitting?	What is the right of the SCC to hear a case?	Who is the first woman to serve on the SCC?
What is the primary role of a judge?	Who is the head of the SCC?	What is how judges express case rulings?	What is "practical wisdom about law"?	Who is the Chief Justice of the SCC?
What are the levels of the Federal Court?	What is the year that the Federal Court was created?	What cases are heard by the court?	What are the number of judges sitting on the court?	What are cases commonly heard by the court?
What are three guiding principles?	What is "no one is above the law"?	What is the first act creating an independent judiciary?	How judges are given positions?	What is the absence of judicial independence?

## Activity Sheet 2-1: Supreme Court Review

### Lesson 6

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

(Adapted from S.C.C. [website-www.scc-csc.gc.ca](http://www.scc-csc.gc.ca))

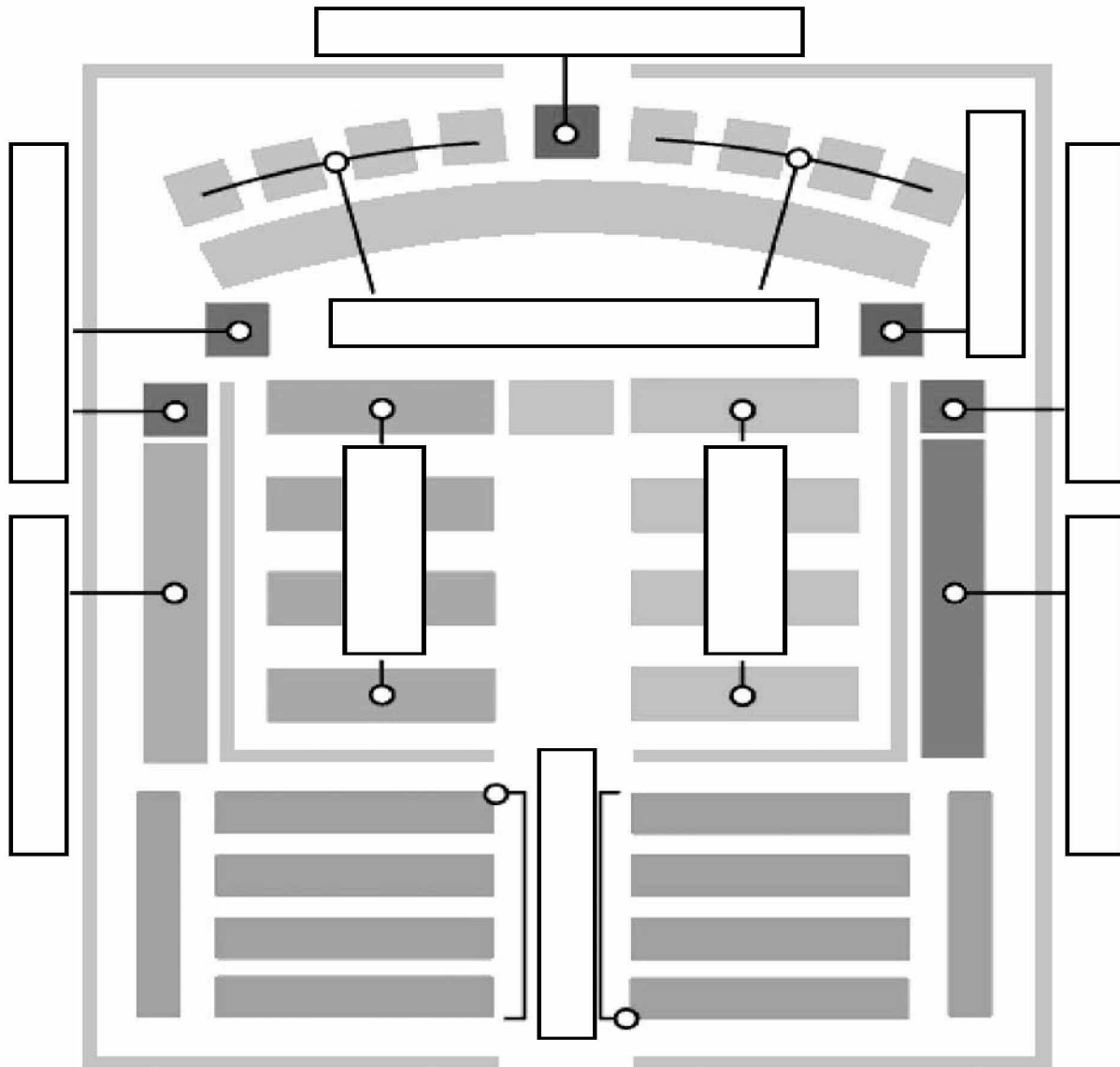
1. In what year was the Supreme Court of Canada created?
  - a. 1867
  - b. 1949
  - c. 1875
  - d. 1886
2. Name the first woman appointed to the Supreme Court of Canada and the year she was appointed.
  - a. Bertha Wilson, 1982
  - b. Beverly McLachlin, 2000
  - c. Bora Laskin, 1974
  - d. Rosealie Abella, 2004
3. How many applications for leave to appeal does the court receive each year?
  - a. Between 150 and 200
  - b. Between 550 and 650
  - c. Between 1,050 and 1,150
  - d. Between 1,250 and 1,450
4. Approximately how many appeals does the Supreme Court hear each year?
  - a. 80
  - b. 135
  - c. 425
  - d. 740
5. What is the minimum number of judges (quorum) required to hear an appeal?
  - a. 3
  - b. 7
  - c. 9
  - d. 5
6. Who is the current Chief Justice of Canada?
  - a. Antonio Lamer
  - b. Beverly McLachlin
  - c. Bora Laskin
  - d. Louise Charron
7. For many years the Court's decisions could be appealed to the Judicial Committee of the Privy Council in England, but this right was later abolished in criminal cases in 1933 and in all other cases in \_\_\_\_\_.
  - a. 1937
  - b. 1982
  - c. 1949
  - d. 1967
8. The majority of appeals heard at the Supreme Court come from which of the following sources?
  - a. Applications for leave to appeal
  - b. Appeals as of right
  - c. Referred cases
  - d. Provincial civil appeals
9. The judges of the Supreme Court are appointed by?
  - a. The Prime Minister
  - b. The Cabinet
  - c. The Chief Justice of Canada
  - d. The Governor-in-Council
10. A judge appointed to the Supreme Court of Canada can serve until mandatory retirement at what age?
  - a. 65 years
  - b. 70 years
  - c. 55 years
  - d. 75 years

## Activity Sheet 2-2: Supreme Court Diagram

### Lesson 6

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

Complete the following seating plan of the Supreme Court of Canada using the words found below (diagram adapted from S.C.C. website [www.scc-csc.gc.ca](http://www.scc-csc.gc.ca)).



Chief Justice  
Court attendants  
The Media  
The Public  
Counsel for the Applicants

Counsel for the Respondents  
Law Clerks  
Court Attendants  
Registry Officer  
Puisne Judges

## Activity 2-1 and 2-2: S.C.C. Review and Diagram

### Lesson 6

**KEY**

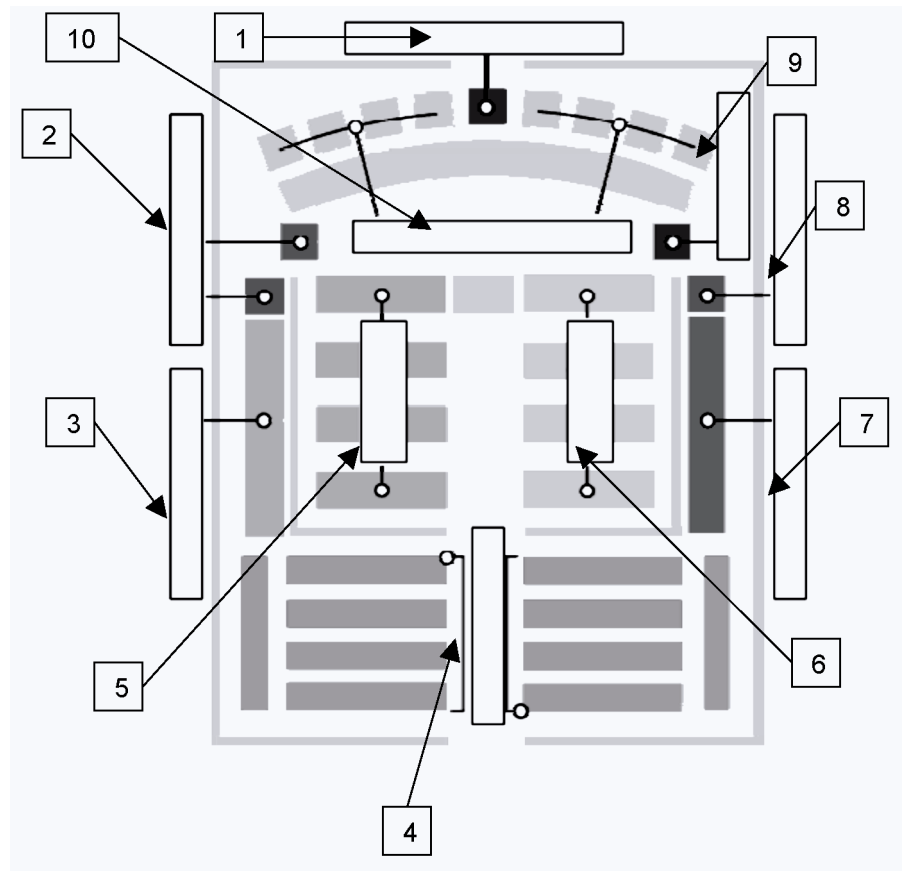
Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### Answers to Activity Sheet 2-1: Supreme Court Review

- |      |       |
|------|-------|
| 1. C | 6. B  |
| 2. A | 7. C  |
| 3. B | 8. A  |
| 4. A | 9. D  |
| 5. D | 10. D |

#### Diagram Terms

1. Chief Justice
2. Court Attendants
3. The Media
4. The Public
5. Counsel for The Appellants
6. Counsel for The Respondents
7. Law Clerks
8. Court Attendants
9. Registry Officer
10. Puisne Judges



## Unit Two ~ Law

### Lesson 7: Criminal Law, Criminal Court and Criminal Code of Canada

#### ■ Overview

In this lesson students will be introduced to BC's court system, basic principles of the criminal law and the *Criminal Code of Canada*. Students begin with some basic background research on the law courts and criminal and civil procedures. The elements of criminal law and criminal defences will also be discussed.

#### ■ Objectives

Students will

- Demonstrate knowledge of the law courts in British Columbia.
- Demonstrate knowledge of the alternatives to court in the criminal process—diversion, reconciliation, community courts, and Aboriginal justice.
- Understand the key elements and application of criminal law, the *Criminal Code of Canada* and the criminal court process.
- Know and understand the application of defences in criminal cases.

#### ■ Basics for the Teacher

See *Activity Sheet 1-1: Criminal and Civil Court Procedure*, *Activity Sheet 2-1: The Wolfenden Report (1957)*, *Activity Sheet 2-2: Morality and the Law*, *Activity Sheet 3-1: The Criminal Law* and *Activity Sheet 3-3: Defences in Criminal Law* for the basics for this lesson. Look at [www.courtsofbc.ca](http://www.courtsofbc.ca) for additional information.

#### ■ Student Handouts

*Activity Sheet 1-1: Criminal and Civil Court Procedure*

*Activity Sheet 1-2: What do you know?*

*Activity Sheet 2-1: The Wolfenden Report (1957)*

*Activity Sheet 2-2: Morality and the Law*

*Activity Sheet 3-1: The Criminal Law*

*Activity Sheet 3-2: Criminal Case Studies*

*Activity Sheet 3-3: Defences in Criminal Law*

*Activity Sheet 3-4: Criminal Defences Case Studies*

#### ■ Instructions for the Teacher

##### Activity 1: Criminal and Civil Court Procedure

Provide students with *Activity Sheet 1-1: Criminal and Civil Court Procedure* that provides an overview. This can be given in the preceding lesson as a homework reading assignment. Students may also use the Justice Education website for additional support. Hand out a copy of *Activity Sheet 1-2: What do you know?* to each student or alternatively assign section a, b, c, and d to groups to complete. Conduct a review on individual questions or have the groups present answers on a whiteboard, overhead or chalkboard.

##### Activity 2: Morality and Law

This activity engages students in some critical thinking about morality and criminal law. Provide students with the following pre-reading questions to prepare them for the discussion on morality and law:

1. Has society the right to pass judgment on public matters of morals?
2. Ought there be a public morality, or are morals a matter for private judgment alone?
3. If society has the right to pass judgment, has it also the right to make laws that impose morality on the people?
4. What principles should separate laws that deal with public moral issues (eg. pornography, prostitution, narcotics) and ones that regulate private moral conduct (sexual acts between consenting adults, internet use, production of narcotics)?

These are difficult questions for students and you will want to spend some time discussing them prior to allowing students to complete them. Begin the next class with a debriefing of student answers; you may want to assign groups and use a placemat activity to have them record some thoughts on public vs. private morality.

Hand a copy of *Activity Sheet 2-1: The Wolfenden Report (1957)* on morality and law and have the students complete a set of two-column or Cornell notes. Alternatively, have the class read the passage and use an active listening strategy to review the material and open a discussion. Keep the discussion to clarification of the salient points as the students will be conducting a free write to express their thoughts on the issue in the next step.

Provide each student with a copy of the *Activity Sheet 2-2: Morality and the Law* and complete the free write activity in class. If time permits run the continuum debate; if not set this up for the beginning of next class.

### **Continuum Debate**

The continuum debate begins by selecting two students with opposing views on the role of the state in regulating private morality (conduct). Once you have two volunteers, have them stand at opposite ends of the classroom wall (you will need room enough for all of your students to stand shoulder to shoulder facing you; space permitting, students can also form a "U" shape and face each other). From this point instruct all of the others to pick a place along the line that best fits how they feel about the topic - extremists at either end, those leaning to one side move to one end or the other and those uncertain or clearly on middle ground take up the centre. Now have each student (alter as time requires) present their viewpoint and one reason for holding that view. After all (or most) have spoken allow students to shift positions in the line based on changes to their thinking on the issue. Allow a maximum of 20 minutes before ending the debate.

### **Read, Reflect and Write**

Move the students to the next activity reflecting on the reading and discussion to clarify their thinking on the issue of private and public morality. Review the quote in the Wolfenden Report on the role of criminal law. Inform them that this quote will be used to focus their thinking about criminal law in Canada. Have each student (or groups) choose a

common moral issue like gambling, prostitution, pornography or narcotics and ask them to argue against making it a criminal offence. Create balance by assigning or manipulating which topics are chosen and in what number. Students use the guidelines on the handout to complete the writing on the issue and prepare to present their views to the class.

### **Devlin's View of Vice (Optional)**

The last activity can be completed as a bonus or assigned to students looking for enriched opportunities in class. Use the quote by Lord Devlin to have the student's reflect on the nature of vice, exploitation, human weakness and the role of the state in protecting the weak, inexperienced, poor, immoral and immature. Students examine the issue of what creates vice (human weakness according to Devlin) but also tap into the question of state regulation of vice to protect both consumers and producers. The format you choose for the product may vary with the student (essay, oral presentation, PowerPoint slideshow or case study analysis).

### **Activity 3: The Criminal Law**

Provide each student with a copy of *Activity Sheet 3-1: The Criminal Law* and *Activity Sheet 3-2: Criminal Case Studies*. Explain that they will be learning about the legal elements of crime, which they will then apply to case studies. You will want the students to take notes (two-column, Cornell or a preferred method) but an alternative is to have them create cue cards with the key terms (can be done individually or in groups). Review the terms and clarify student questions using examples wherever possible. Assign the case studies only after students have some comfort with the terms and concepts. Review and debrief next class. At this point you have the option of having students complete the *Criminal Code* activity. It is provided to allow for enrichment and extended learning.

Hand out *Activity Sheet 3-3: Defences in Criminal Law* and have students use this as a guideline for the assignment. Provide each student with *Activity Sheet 3-4: Criminal Defences Case Studies* and assign a criminal defence to each student (groups can be given a common defence) and review the research and presentation guidelines with the class. The case references provided are to be used as starting points for research and students should be allowed to find more current or relevant cases as needed. Each student (or group) will present the defence using

multimedia technology (PowerPoint, streaming video, animation, or video clips.). Have the audience take notes on each defence and write down questions for discussion at the end of the presentation. Presentations should not exceed 30 minutes, not including the Q and A session.

## ■ Assessment

The activities outlined for this lesson contain writing elements, public speaking, class participation and note-taking. The answers in all cases will be fluid, divergent - developing and grading should take this into consideration. Most of the written output is centred on organizing and clarifying student thinking and should be graded for completion as opposed to set answers. The speaking components can be evaluated using a standard rubric as supplied at the end of these units.

For *Activity Sheet 1-2: Questions on the Courts of BC*, use the answer key and review the questions. Assign participation marks for individual students or mark the groups based on completion and accuracy of answers. Alternatively, have students hand the questions in for grading.

Use the answer key for *Activity Sheet 3-2: Criminal Case Studies* to complete your teacher assessment. Student responses can be graded on completion or a raw score.

For the multimedia presentations given in *Activity 3-4: Criminal Defences Case Studies*, consider grading the creativity and use of technology in addition to the knowledge and understanding demonstrated by each student. Use *Activity Sheet 3-5: Teacher Evaluation of Criminal Defences Presentation*.

## ■ Extension Activities

1. View the film "12 Angry Men" and use this as a basis for analysis of the jury system.
2. Visit your local provincial court and observe the proceedings of a variety of court cases. Watch one case from each division (Family, Criminal, Small Claims and Youth) and prepare a written report on your observations.
3. Go to the website on Canadian Mysteries ([www.canadianmysteries.ca](http://www.canadianmysteries.ca)) and find the story titled "Who Killed William Robinson." The case outlines the murder of William Robinson, an African American on Salt Spring Island in the 19th century. Following the guidelines on the site and prepare an analysis of the key facts and issues and judgment.
4. Contact a criminal defence lawyer and conduct an interview or have them come to the class for a presentation. Prepare your interview questions in advance if meeting the lawyer for an interview. If you are inviting them as a guest speaker, meet in advance to plan out what will be discussed and how you can make the presentation interesting for the class.
5. Visit the Pivot Legal Society's website ([www.pivotlegal.org/Issues/index.htm](http://www.pivotlegal.org/Issues/index.htm)) and choose an issue to research. Pivot is a non-profit legal advocacy society in Vancouver that fights for the rights of the homeless, drug addicted and sex workers. Pivot is largely supported by volunteer workers. Consider volunteering with Pivot.
6. Contact the liaison officer for your school or the local police and bring them in to the classroom for a discussion on vice crimes.
7. For each of the questions below you will require a recent copy of the *Criminal Code of Canada*. In each example, your task is to identify the specific physical elements (conduct, circumstances, causation and consequences) or the specific mental elements (intent, knowledge or recklessness) for each listed offence.
  - The *actus reus* of the offence of sexual assault causing bodily harm (s. 272(1) c) requires proof of prohibited conduct, circumstances and consequences. Describe each as outlined in the section.
  - Receiving interest at a criminal rate (s. 347(1) b) of the *Criminal Code*. Complete as above.
  - Using your *Criminal Code* determine the form of *mens rea* required in each of the following sections:
    1. S. 129
    2. S. 219(1)
    3. S. 343(c)
    4. S. 270(1)
    5. S. 348(1)
    6. S. 434(1)
    7. S. 131(1)



# Activity Sheet 1-1: Criminal and Civil Court Procedure

## Lesson 7

Name: \_\_\_\_\_

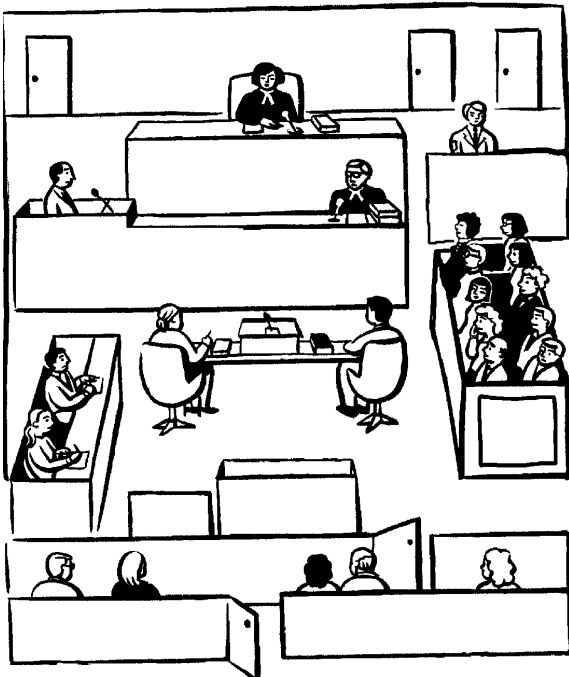
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### The Criminal/Civil Courtroom

The court clerk is in charge of all exhibits, physical evidence, court files and the recording of the proceedings during any type of court hearing. The sheriff manages courtroom security and escorts the accused to and from court if they are being held in jail during the trial. Not all persons accused of serious crimes are held in custody prior to trial. The judge is the sole arbitrator of the law as it applies to each case and its facts but also provides a judgment in non-jury trials.

Prosecutors in Canada represent the people through the "Crown" - a term we use because our Head of State is the Queen. When an accused is on trial, it is the state that charges them so we refer to the state lawyer as the Crown Counsel/Prosecutor. Civil cases are between private individuals or bodies and the state has no role in such litigation unless it is suing or being sued.

Civil and criminal courtrooms are different in the following ways: civil juries sit eight people



while a criminal jury will sit 12; juries are far less common in civil cases than criminal; there is no state representative in a civil courtroom (no prosecutor); a civil jury needs only 75% agreement on a judgment.

The standard of proof in a civil case is "on the balance of probabilities," meaning that one side's story is more probable than the other side. In a criminal courtroom an accused must be found guilty "beyond a reasonable doubt," meaning that each juror must be 100% certain. There may be five judges sitting on an appeal in the BC Court of Appeal if the court is being asked to overturn one of its own decisions but usually there are only three judges sitting on an appeal.

### Civil Court Process

Civil cases that involve large sums of money, cases involving serious injury and loss of income, or cases involving broken contracts are often settled out of court. A writ of summons is used to notify the defendant of a pending civil matter and is filed in the appropriate court. The plaintiff will also file a Statement of Claim with the particulars in the case. The defendant responds to the writ and also files a statement of defence. An examination for discovery will take place where the plaintiff and defendant are questioned under oath about the evidence in the case. This allows for a careful examination of the evidence supporting or defending the civil action before it goes to trial.

A pretrial conference is a meeting of the parties in a case conducted prior to trial. The conference is held before the trial judge or a magistrate. A review of evidence, legal issues and defences will be held to expedite the case and attempt a final settlement before proceeding to trial. The burden of the plaintiff is to show on the balance of probabilities that he or she was wronged and that damages should be

awarded. The judge makes rulings on all matters of law and if no jury is involved will also make the decision in the case.

Small claims court is designed to allow laypeople to represent themselves in civil disputes where the amount of the claim is \$25,000.00 or less. This saves time and money. Plaintiffs and defendants plead their case and register all necessary paperwork with the court registry. However, due to the complexity of the law and procedures this may not be advisable in more complicated cases with higher damages; these cases would be heard in the Supreme Court of BC.

## Criminal Court Process

There are several ways in which an accused can be brought to court: on an arrest with warrant, an arrest without warrant, a promise to appear or a summons to appear.

A promise to appear is given to an accused that has been arrested, charged and released by the police. It is a personal guarantee to come to court on the date specified.

A recognizance is another form of interim release and is completed by filing a bail bond with the court. Then the defendant will be released pending a trial or appeal but has an order to appear or the bond is revoked and an arrest warrant will be issued. When an accused charged with a serious crime is considered a flight risk,, an order for secure custody will detain the accused in a correctional centre until trial.

An information or an indictment are used to charge the accused with the crime. A police officer who knows the facts that form the basis for the charge signs one of these forms to initiate or start a case. Then the Crown approves the charge.

The first appearance is where an accused, or his or her lawyer (counsel), enters a plea to the

charge(s) and/or asks for time to retain counsel. The issue of whether or not an accused can be released on bail pending trial is often decided at the first appearance. It may take time for the accused and counsel to decide what to do about the charge so there may be a number of appearances. If the accused decides to plead guilty, sentencing may be done on a different date because a pre-sentence report may have to be prepared by a probation officer. If the accused pleads not guilty then a date for the trial or preliminary hearing is set depending on the type of offence.

Some trials are held in Supreme Court and some are held in Provincial Court. If it is a serious offence, the trial will most likely be heard in Supreme Court. Before this trial is heard, a preliminary hearing is held where the Crown must present sufficient evidence to commit the accused for trial. This allows the court an opportunity to determine whether the charges against the accused are valid. The preliminary inquiry is held in Provincial Court. The accused does not have to present evidence at this time because the burden is on the Crown to show they can convict on the evidence.

In Canada there are three types of crime: summary conviction, indictable and dual (hybrid) offences. An example of a summary conviction offence is theft under \$5,000. An example of an indictable offence is armed robbery. An example of a dual (hybrid) offence is assault (common assault is a summary offence whereas aggravated assault would be indictable).

When an accused is charged with a crime where he or she may go to jail for five years or more, he or she is given a choice between a jury trial or trial by judge alone. This is called an election. In serious cases like murder, skyjacking or armed robbery, the Crown and accused can agree to a trial by judge alone.

## Activity Sheet 1-2: What do you know?

### Lesson 7

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### Part A: Court Structure

1. List the three levels of court in British Columbia.
2. Provide examples of civil and criminal matters.
3. Which court hears the majority of criminal cases in BC?
4. Which court hears the most serious criminal cases?
5. Which court hears civil disputes that involve large sums of money (more than \$25,000)?
6. What court must one appeal to if the judgment in the Court of Appeal for BC is not satisfactory?

#### Part B: The Criminal/Civil Courtroom

1. Describe the role and responsibilities of each of the following court personnel: court clerk, sheriff, and judge.
2. Why is the prosecuting lawyer called "Crown Counsel"? Why is there no "Crown Counsel" in a civil case?
3. Describe the differences between civil and criminal court.
4. How many judges may sit on appeal in the Court of Appeal for BC?
5. How many jurors sit on criminal matters? Civil matters? How many must agree in a criminal case? Civil case?

### Part C: Civil Court Process

1. Explain why many civil disputes do not go to trial? What types of disputes would you expect to go to trial?
2. What is a writ of summons and where is it filed?
3. What is an examination for discovery? Why is it necessary before the case goes to trial to conduct an examination for discovery?
4. What is a pre-trial conference?
5. What is burden of proof in a civil matter?
6. What is the role of the judge?
7. What is the purpose of small claims court? How does it differ from other levels of court?

### Part D: The Criminal Court Process

1. Describe the four ways in which an accused can be brought to court.
2. What is an "information" and how is it obtained? What is its purpose?
3. What is a P.T.A.? Under what circumstances would a police officer release an accused on a P.T.A.?
4. What are the options for the Justice of the Peace when deciding what to do with a person arrested without a warrant?
5. What is a "first appearance"? What happens if an accused fails to meet his/her first appearance?
6. What is a preliminary hearing and why is it an important step in the criminal court process?
7. List and describe the three different categories of criminal offences. Provide an example of each type of offence.
8. In the criminal process what is an "election"? What types of offences have elections? Why?

### Part A: Court Structure

1. List the three levels of court in British Columbia.  
**Provincial, Supreme and Court of Appeal.**
2. Provide examples of civil and criminal matters.  
**Criminal-traffic, motor vehicle, theft, assault, criminal negligence, murder.**  
**Civil-debt, personal injury, contract disputes, divorce, slander, libel, bankruptcy.**
3. Which court hears the majority of criminal cases in BC?  
**99% of all criminal cases begin and end in Provincial court.**
4. Which court hears the most serious criminal cases?  
**Most serious criminal cases are heard in the Supreme Court of BC.**
5. Which court hears civil disputes that involve large sums of money (more than \$25,000)?  
**The Supreme Court of BC deals with all civil matters seeking more than \$25,000 in damages.**
6. What court must one appeal to if the judgment in the Court of Appeal for BC is not satisfactory?  
**The Supreme Court of Canada.**

### Part B: The Criminal/Civil Courtroom

1. Describe the role and responsibilities of each of the following court personnel: court clerk, sheriff, and judge.  
**Court Clerk-in charge of all exhibits and physical evidence and records the proceedings of the trial.**  
**Sheriff-manages courtroom security and escorts those accused detained in prison to and from court. Also does jury management.**  
**Judge-the sole arbitrator of the law as applied to a case and its facts. Also provides a judgment in non-jury trials.**

2. Why is the prosecuting lawyer called "Crown Counsel"? Why is there no "Crown Counsel" in a civil case?

**Prosecutors in Canada represent the people through the "Crown" because our Head of State is the Queen. When an accused is on trial, it is the state that is placing them on trial, thus we refer to the lawyer of the state as the Crown Counsel/Prosecutor. Civil cases are between private individuals or bodies and the state has no role in such litigation unless it is being sued or is suing someone. In the latter case, a lawyer would present the case for the government just like they would for any other defendant or plaintiff.**

3. Describe the differences between civil and criminal court.

**Civil and criminal courtrooms are different in the following: civil juries sit eight while a criminal jury will sit 12; juries are far less common in civil cases than criminal; there is no state representative in a civil courtroom (no prosecutor); a civil jury needs only 75% agreement on a judgment.**

4. How many judges may sit on appeal in the Court of Appeal for BC?

**There can be five judges sitting on an appeal (only if the court is being asked to overturn one of its own decisions) but commonly you will find three judges sitting on an appeal.**

5. How many jurors sit on criminal matters? Civil matters? How many must agree in a criminal case? Civil case?

**Civil - eight jurors, Criminal - 12 jurors. Civil juries need only 75% support for a judgment (at least six must agree on a judgment). Criminal juries must be unanimous in finding an accused guilty or not guilty.**

**Part C: Civil Court Process**

1. Explain why many civil disputes do not go to trial? What types of disputes would you expect to go to trial?

**Civil cases are frequently settled out of court prior to trial, particularly after all evidence is open to examination. Possible answers might include: cases that involve large sums of money, cases involving serious injury and loss of income, or cases involving broken contracts.**

2. What is a writ of summons and where is it filed?

**A writ of summons is used to notify the defendant of a pending civil matter and is filed in the appropriate court.**

3. What is an examination for discovery? Why is it necessary before the case goes to trial to conduct an examination for discovery?

**The examination for discovery is when evidence is presented prior to trial. It takes place when the plaintiff and defendant are questioned under oath about the evidence in the case. This allows for a careful examination of the evidence supporting the civil action and allows both parties to be aware of the evidence that each side will present in court.**

4. What is a pre-trial conference?

**A pre-trial conference is a meeting of the parties in a case conducted prior to trial. The conference is held before the trial judge or a magistrate. A pre-trial conference may be held prior to trial in both civil and criminal cases. A review of evidence, legal issues and defences will be held to expedite the case and attempt a final settlement (for civil cases only) before proceeding to trial.**

5. What is burden of proof in a civil matter?

**The burden of proof in a civil case is on the balance of probabilities. This means that one side of the case is more probable than the other. If that is shown in the evidence presented then that side would be**

**successful. If it is the plaintiff, then damages may be owed to compensate the harm. If it is the defendant, then the case would be dismissed.**

6. What is the role of the judge?

**The judge makes rulings on all matters of law and, if no jury is involved, will make the decision in the case.**

7. What is the purpose of small claims court? How does it differ from other levels of court?

**Small claims court is designed to allow laypeople to represent themselves in civil disputes where the amount of the claim is \$25,000.00 or less. This saves time and money. Plaintiffs and defendants plead their case and register all necessary paperwork with the court registry. However, due to the complexity of the law and procedures, this may not be advisable in more complicated cases with higher damages. These cases would be heard in the Supreme Court of BC.**

**Part D: The Criminal Court Process**

1. Describe the four ways in which an accused can be brought to court.

**An accused can be brought to court on arrest with warrant, arrest without warrant, a P.T.A. or a summons to appear.**

2. What is an "information" and how is it obtained? What is its purpose?

**An information is used to charge the accused with the crime. A police officer who knows the facts that form the basis for the charge signs the information to initiate or start a case.**

3. What is a P.T.A.? Under what circumstances would a police officer release an accused on a P.T.A.?

**A Promise to Appear is given to a person that has been arrested, charged and released by the police. It is a personal guarantee to show up to court on the date provided.**

# KEY

4. What are the options for the Justice of the Peace when deciding what to do with a person arrested without a warrant?

**Recognizance-** By filing a bail bond with the court, the defendant will usually be released from imprisonment pending a trial or appeal. PTA-as described above. **Secure custody-detain the accused in a correctional centre until trial.**

5. What is a “first appearance”? What happens if an accused fails to meet his/her first appearance?

**The first appearance is where an accused, or his or her lawyer (counsel), enters a plea to the charge(s) and/or asks for time to retain counsel. The issue of whether or not an accused can be released on bail pending trial is often decided at the first appearance. It may take time for the accused and counsel to decide what to do about the charge so there may be a number of appearances. If the accused decides to plead guilty then sentencing may be done on a different date because a pre-sentence report may have to be prepared by a probation officer. If the accused pleads not guilty then a date for the trial or preliminary hearing is set depending on the type of offence.**

6. What is a preliminary hearing and why is it an important step in the criminal court process?

**The preliminary inquiry is in Provincial Court before a case is heard in Supreme Court. At this stage, evidence is presented to the judge because the Crown must prove there is sufficient evidence to bring the accused to trial in the Supreme Court. The accused does not have to present evidence at this time.**

7. List and describe the three different categories of criminal offences. Provide an example of each type of offence.

**Summary Conviction, Indictable and Hybrid offences.**

**Summary Conviction – theft under \$5,000**  
**Indictable Offence - robbery**

**Hybrid Offence – assault can be proceeded with as an indictable offence or as a summary conviction offence. By indictment the maximum sentence would be 5 years; by summary conviction the maximum sentence would be 6 months and/or a fine up to \$2000.**

8. In the criminal process what is an “election”? What types of offences have elections? Why?

**When an accused is charged with a crime where he or she may go to jail for five years or more, then he or she is given a choice between a jury trial or trial by judge alone. This is called an election. In serious cases like murder, skyjacking, armed robbery, the Crown and accused can agree to a trial by judge alone.**

## Activity Sheet 2-1: The Wolfenden Report (1957)

### Lesson 7

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### Morality and Law

The *Criminal Code of Canada* carries specific restrictions on our conduct in both public and private domains. Some of these restrictions keep us safe, some protect our property and some protect us from ourselves.

A significant number of these laws reflect popular morality and societal values. However, moral positions and social standards change over time, altering what conduct is deemed criminal. Into the 1950s, many democratic nations had laws that made it a criminal offence to be gay, lesbian or bisexual. These laws regulated the private conduct of citizens even when it involved consent by both parties.

Vice has always reflected societal values and popular morality in that our tolerance has changed with time and location. Gambling, prostitution, pornography, alcohol, and drugs are described as 'victimless' crimes because they involve voluntary conduct on the part of producer and consumer, yet all have been regulated by criminal laws.

Morality is about knowing right from wrong and ethics is acting on our moral compass. Our moral compass develops as we age and acquire new knowledge and experiences that shape what we view as right or wrong conduct. Family, friends, religion, society, teachers and popular media each have an impact on the development of our moral compass. The difficulty in basing criminal laws on moral standards is that society cannot always find agreement on the standards used to determine right and wrong, good or bad. This leads to moral relativism, meaning that our view of right and wrong shifts relative to time, place and our personal value system.

One hundred years ago, people thought nothing of executing criminals for crimes less serious than murder; now the death penalty has been abolished in Canada.

The decriminalization of narcotics, same-sex marriage, stem cell research or casino gambling are current issues that trigger strong but divergent reactions by many Canadians. It is the challenge of the criminal law to represent the shifting sands of our moral framework with enduring moral standards that should not rest on a time or place.

Over 50 years ago an important debate took place in England between opposing sides on the criminality of prostitution and homosexuality. The Wolfenden Report (1957) was produced for a parliamentary committee to examine the issue and in doing so opened a debate on public vs. private morality. The report's major recommendations made headlines; one such recommendation stated that homosexual behavior in private between consenting adults should no longer be classed as a crime. In its findings the report stated that the criminal law should be used to "preserve public order and decency, to protect the citizen from what is offensive or injurious, and to provide sufficient safeguards against exploitation and corruption of others, particularly those who are vulnerable..."

(Dyzenhaus and Ripstein, 2001, p.309)

The Wolfenden Report spurred public debate and eventually led to a change in the laws of England. Lord Patrick Devlin, a famous British judge, disagreed with the report's conclusion. He argued that popular morality should be allowed to influence lawmaking, and that even private acts should be subject to legal sanction if they were held to be morally unacceptable by the "reasonable man", in order to preserve the moral fabric of society. The will of the majority would carry more weight than the measured reflection on common moral principles like equality. The debate led to a change in English law in the 1960s and highlights the importance of understanding the role of the state in regulating our private lives.



## Activity Sheet 2-2: Morality and the Law

### Lesson 7

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

**After reading Activity Sheet 2-1: The Wolfenden Report (1957) complete the activities outlined below.**

#### **Gut Check**

Complete a free write outlining your view on the question of public vs. private morality. Do you agree that the state (government of Canada) has a right to regulate your conduct while in private (home, bedroom, internet)? In a free write you need not worry so much about writing structure but the work must be coherent and express a clear point of view.

#### **Continuum Debate**

Your teacher will guide you through this informal type of debate. Each student has written out basic views on the issue of public vs. private morality and now it is time to express them publicly. You will be asked to stand at one point of a continuum of views on the topic - think of it as a single line with each point (student) representing a view and at either end of the line you have the extremes. Prepare your view because you will be asked to express it and provide reasons as the teacher works up or down the line. After listening to other viewpoints you are free to adjust your position toward one end of the line or the other. The line is a visual representation of the views held by the class with extreme views at each end and those with mixed views sitting more toward the centre.

*Debate Question: "Does the state have the right to regulate private conduct of its citizens?"*

#### **Read, Reflect and Write**

Read the quote from *Activity Sheet 2-1 The Wolfenden Report (1957)* once again and reflect on its meaning. Write out a brief summary of what this means in the context of Canadian criminal law. Choose a topic like narcotics production or use, prostitution or internet gambling and make an argument for or against criminalizing this type of conduct. Consider the public or private nature of the activity, harm caused to society, harm caused to individuals, societal values, and your moral compass when making the argument. Prepare to present your topic and response for next class.

#### **Devlin's View of Vice (Optional)**

"It is the exploitation of human weakness. Prostitution, gambling or narcotics are caused by human weakness. Those who prey upon human weakness exploit those that are weak. For example with prostitution we have the lust of the customer vs. the moral weakness of the prostitute, each exploiting a kind of weakness in the other" (Dyzenhaus and Ripstein, 2001, p. 319).

*Do you agree with the view held by Lord Devlin that human weakness is at the root of all immorality?*

## Activity Sheet 3-1: The Criminal Law

### Lesson 7

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### General Principles of Criminal Law in Canada



Arresting, charging and convicting criminals is not as simple as the news media and television law enforcement shows would have you believe. In fact, convicting an accused is very difficult and requires that several key elements are proven in court. In general, every crime has a physical element and a mental element. If either element is missing, then no crime has been committed. We call these two elements of a criminal act the *actus reus* ("physical act") and the *mens rea* ("guilty mind").

#### Types of Crime

In the *Criminal Code of Canada*, three broad categories of criminal offences are used. The least serious are summary conviction offences, the more serious are called indictable offences. An offence that can be a summary offence or an indictable offence is known as a dual or hybrid offence.

Summary conviction offences are punishable by no more than two years in prison or a fine. Indictable offences allow for life sentences and larger fines. A dual or hybrid offence is determined by the severity of the crime. The *Criminal Code of Canada* has distinguished between different types of offences for three reasons. First, some offences cause greater harm to individuals or society. Second, some offences are considered more morally repugnant than others and third because some offences are conducted against property while others are against people.

#### The Elements of a Crime

It is a general principle of criminal law that both the physical act (*actus reus*) and the guilty mind (*mens rea*) must be present at the same time for a crime to have occurred. Its importance is illustrated by this example. Joe picks up his shoes from the locker room at his golf club and takes them home. When he returns home he realizes that they are not his shoes but those of another club member but decides to keep them because they fit and are much better than his own. The criminal law relies on the fiction that the act of taking the shoes continues until the point at which Joe formed the guilty mind (*mens rea*) to take the shoes.

#### *Actus reus*

The physical act of committing an offence (*actus reus*) is more than an act, it can be an omission to act or a 'state of being'. For example if one is in possession of an illegal narcotic, one is not acting or failing to act but merely in possession. This is a state of being. Omissions to act can also be crimes (a failure to act when required to do so by law).

If a parent fails to provide the basic necessities for children's survival the failure to provide is an omission and a crime. The majority of crimes are acts or kinds of misconduct. Proof of the physical element requires more than simply determining an act, omission or state of being. It is necessary to consider the four C's—conduct, consequences, circumstances and causation.

The *conduct* must be as described earlier an act, omission to act or a state of being as outlined in a specific section of the criminal charge. Of particular importance to the concept of conduct is that it be voluntary. The law will not hold someone criminally responsible for an involun-

tary act. *Consequences* refer to the outcome of a specific act. For a homicide the consequence would be the death of a human being.

The *circumstances* aspect of the *actus reus* refers to the relevant circumstances under which an act must occur to be criminal. In the case of the crime of trespassing at night the relevant circumstances would be that the act occurred at night, on someone's property other than your own and that you entered the property without consent or lawful excuse.

The final element is *causation*, meaning that the conduct of the accused person must be shown to have caused the consequence (the criminal act) to occur. If Sally is charged with murdering Bill then it must be proven that Sally's conduct caused the death of Bill.

### **Mens rea**

The physical act represents one element in the commission of a criminal act while the guilty mind represents the second key element. The guilty mind refers to the intention, knowledge or recklessness of the accused. Essentially the law states that we must mean to cause a wrongful consequence.

Intention is commonly used in the *Criminal Code* to establish a type of guilty mind. Words like 'willfully,' 'means to' or 'intentionally' are used to describe a state of mind. There are two basic types of intention-specific and general. Specific intent offences frequently use the phrase 'with intent' or 'for the purpose of' to demonstrate a specific purpose behind the crime. General intent crimes are those that do not require a further purpose or intention and are often crimes committed in moments of uncontrolled passion or aggression.

The knowledge form of a guilty mind means that the accused must have knowledge of the specific circumstances of the crime. The phrases 'knowingly' or 'knowing' are commonly used

here to indicate a specific type of knowledge. For example, to knowingly lie to a judge or jury is called perjury and is a criminal offence but to give false evidence unknowingly is not a criminal offence.

The third kind of intent is recklessness. This is type of intent is found in crimes like vehicular manslaughter. It means that the accused has been unduly careless in their actions by not exercising good judgment and foresight. If one drives 100km/h through a school zone, with no intention of killing or harming a child, and hits a child crossing the street and that child dies, the law would use recklessness to establish the guilty mind. Contrary to TV law, it is not necessary for the Crown to establish *why* an accused has committed an offence (the motive). Motive is used to establish intention and can be used in sentencing to mitigate or aggravate the sentence depending on the reason for committing the crime.

### **Other Elements of Crime**

In addition to the physical act and guilty mind the criminal law also considers attempted criminal acts, conspiracies, aiding or helping a criminal or counselling others to commit an offence as unlawful. Each of these is known as being a party to an offence. Anyone that helps before, during or after the commission of an offence is a party to that crime and can be charged under the *Criminal Code*.

A crime is considered *attempted* if it can be established that there was intention, that some act toward committing the offence occurred and that the offence did not reach full completion. Agreeing with one or more people to commit an offence is a crime in Canada. Therefore if you plan to commit a crime, even if you do not complete the act, it is a crime. Aiding or assisting someone that you know to have committed a crime is also an offence in Canada.

## Activity Sheet 3-2: Criminal Case Studies

### Lesson 7

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

**For each case study answer the questions posed with respect to the key criminal elements covered in the previous section (e.g. *mens rea*, *actus reus*, party to an offence)**

#### Case 1

Marion asked Sarah to take care of her infant boy for a few days. Marion also asked Sarah to give the infant a teaspoonful of “medicine” every night. In fact, the medicine was poison. Sarah did not think that the infant needed medicine so she did not give it to him. She put the medicine on a shelf in her living room. Later, Sarah’s five-year-old son gave the infant a large dose of the ‘medicine’ and the infant died. Marion was charged with murder.

*Is Sarah or Marion guilty of murder? Explain.*

#### Case 2

Eva, Donna, and Claudia are walking through the park when they see their enemy Jim walking with a friend. They decide to “have some fun.” So Donna and Claudia hold back Jim’s friend while Eva punches and kicks him. Donna and Claudia laugh and yell their support to Eva. Meanwhile Mike, who is walking his dog, stops for a moment to see what is going on. Mike decides not to get involved and walks on. Eva is convicted of assault causing bodily harm.

*Should Donna or Claudia be charged with an offence? Explain.*

*What about Mike? Explain.*

#### Case 3

Murray, Josie (Murray’s wife), and Rosa agree to steal some money from Pete’s clothing store. They also agree that Pete will not be harmed and that no weapons will be used. Murray enters the store and gets Pete’s attention by asking him questions about an article of clothing. Then Josie enters the store and walks toward the cash register while Rosa acts as a lookout near the store entrance. Pete notices Josie reaching into the drawer of the cash register and yells loudly.

Rosa panics, pulls a gun, and shoots Pete, severely wounding him. Murray, Josie, and Rosa run from the store and go to Russ’s apartment around the corner. Russ agrees to let them use his car and Murray, Josie, and Rosa drive to a hiding place. Pete later dies from the wound he received.

*Explain the criminal acts of Murray, Josie, Rosa, and Russ.*

**Case 1**

Marion asked Sarah to take care of her infant boy for a few days. Marion also asked Sarah to give the infant a teaspoonful of “medicine” every night. In fact, the medicine was poison. Sarah did not think that the infant needed medicine so she did not give it to him. She put the medicine on a shelf in her living room. Later, Sarah’s five-year-old son gave the infant a large dose of the ‘medicine’ and the infant died. Marion was charged with murder.

*Is Sarah or Marion guilty of murder? Explain.*

**Sarah would not be guilty of any crime because 1) she did not cause the death of the infant 2) she had no knowledge of the poison in the bottle 3) she did not give the infant the poison.**

**Marion could be found guilty of murder if the court could prove she knowingly put poison in the medicine bottle and could reasonably have expected it would be given to the boy and that he would die.**

**Case 2**

Eva, Donna, and Claudia are walking through the park when they see their enemy Jim walking with a friend. They decide to “have some fun.” So Donna and Claudia hold back Jim’s friend while Eva punches and kicks him. Donna and Claudia laugh and yell their support to Eva. Meanwhile Mike, who is walking his dog, stops for a moment to see what is going on. Mike decides not to get involved and walks on. Eva is convicted of assault causing bodily harm.

*Should Donna or Claudia be charged with an offence? Explain.*

**Donna, Eva, and Claudia are parties to an assault, perhaps even an aggravated assault. They conspired to assist Eva in the commission of the assault. It is not a criminal offence in Canada to observe a criminal act and do nothing, though most Canadians would find it repugnant.**

*What about Mike? Explain.*

**Case 3**

Murray, Josie (Murray’s wife), and Rosa agree to steal some money from Pete’s clothing store. They also agree that Pete will not be harmed and that no weapons will be used. Murray enters the store and gets Pete’s attention by asking him questions about an article of clothing. Then Josie enters the store and walks toward the cash register while Rosa acts as a lookout near the store entrance. Pete notices Josie reaching into the drawer of the cash register and yells loudly.

Rosa panics, pulls a gun, and shoots Pete, severely wounding him. Murray, Josie, and Rosa run from the store and go to Russ’s apartment around the corner. Russ agrees to let them use his car and Murray, Josie, and Rosa drive to a hiding place. Pete later dies from the wound he received.

*Explain the criminal acts of Murray, Josie, Rosa, and Russ.*

**Josie, Murray and Rosa conspired to commit armed robbery and must take the consequences as they unfolded. All three are criminally responsible for the armed robbery and murder of Pete. Russ would be found guilty of aiding and abetting a criminal act by knowingly allowing them to use his car to flee the area. The court would need to give evidence showing that Russ knew they had just committed the robbery or at least that they had committed a crime and was assisting them.**

## Activity Sheet 3-3: Criminal Defences

### Lesson 7

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### Automatism

Involuntary conduct may allow an accused to raise the defence of automatism, meaning that a person has no conscious control over his or her body movements. If the defence of automatism is successful, the accused will be lacking the necessary *mens rea* for a conviction.

There are two kinds of automatism, insane and non-insane. Automatism that derives from a state of temporary insanity is classified as insane automatism. If a physical blow to the body or existing medical condition triggers a state of automatism it is classified as non-insane.

#### Consent

In very limited situations an accused may claim that the victim consented to the accused's act (for example, if two parties agree to fist fight). Consent to borrow property is a defence because if the Crown wants to successfully prosecute an accused, it would need to show that there was an absence of consent from the property holder. Consent is never a defence to murder.

#### Duress/Compulsion

This defence is also quite limited because the duress must occur at the moment the crime occurs. Duress means that an accused has been compelled by threats of immediate bodily harm and that he or she believes the threats will be carried out. It does not apply to persons that form a conspiracy or are parties to an offence. The defence is limited in that it cannot be used in cases of treason, murder, piracy, attempted murder, sexual assault, forcible abduction, arson or robbery. The person delivering the threat must be present at the time the offence was committed.

#### Entrapment

This defence applies if an accused has been 'set up' or trapped into committing a crime by the police. Common areas for this defence are in narcotics crimes and prostitution offences. In essence, the defence is one that recognizes the abuse of process by the police. Two basic guidelines are that the investigation must target someone already engaged in crime and they are carrying on a *bona fide* (genuine) investigation.

#### Intoxication

As a general rule, intoxication is not a defence to a criminal charge though it can alter the type of charge for a given offence. However, it can be used as a partial defence to what are known as specific intent crimes. If an accused was too intoxicated to form the necessary intent to knowingly carry out a specific crime then intoxication may successfully be used as a defence. Robbery would be an example of a specific intent crime that might be mitigated by an extreme state of intoxication.

The Supreme Court of Canada stated in *R. v. Perrault* that the degree of drunkenness must render a person "so stupid by drink that he does not know what he is doing" (Barnhorst,



1992, p.69). It is also possible to use the defence of intoxication if it leads to a state of automatism or temporary insanity (*R. v. Bernard*, SCC 1988).

## Insanity

The test of insanity allows for three elements: natural imbecility, a disease of the mind or an inability to appreciate the nature and quality of an act. One of these conditions must exist at the time of an offence to secure the defence of insanity.

Natural imbecility means that the person's mental development is not complete and that the condition has been caused at birth or by natural decay. A disease of the mind is a more complicated element to determine and is left to a judge to decide based upon evidence provided in court. Some recognized disorders are schizophrenia, dementia, paranoia and some types of epilepsy. Not included in the list are conditions like hysteria, self-induced states caused by drugs or alcohol or a concussion. The accused must suffer from the impairment at the time of the crime, though they need not have a permanent condition. The burden of proving one's state of insanity rests with the accused and not with the Crown. Although this is a clear violation of the right to be presumed innocent, under the *Charter*, the Supreme Court of Canada has ruled that it would be unreasonable for the Crown to disprove insanity in every case.

## Mistake of Fact/Mistake of Law

Mistake of fact occurs when an accused believes that his or her actions are not criminal by virtue of the circumstances. The mistake must be a) an honest one and b) that no offence would have been committed if the circumstances had been as the accused believed them.

If Harold takes Emma's lighter, believing it to be his, a mistake of fact has occurred and no crime has been committed. The mistake relates to the *mens rea* because the accused, if the facts are

as they believe them to be, is not acting with a guilty mind.

A mistake of law is not mere ignorance of the law as this is not an excuse to commit crimes. Mistake of law is a limited defence but it can be used with many regulatory offences made to protect public safety or health. If an official provides consent or permission to act, but the act is found in violation of the law, then one may use the defence of mistake of law. In some cases mistake of law and mistake of fact coexist. For example if a tow truck driver is asked to remove a vehicle from private property, by colour of right he is not committing a theft. Colour of right refers to an honest mistake of fact or law that causes a person to believe they have a legal right to possess property.

## Necessity

Duress is one type of the general defence of necessity. The broader defence of necessity is rarely used in our system. The defence essentially comes to play when an ordinary person is compelled to break the law in an emergency situation. If one has to illegally enter a building to save a child from fire, the defence would be applicable.

## Self-Defence/Provocation

Provocation is not a defence in itself but a condition relevant to the use of self-defence of one's property or personal safety. Provocation occurs under two strict conditions a) the accused must be under reasonable fear of death or serious bodily harm and b) the accused must believe there was no other way to save himself or herself. It is possible to use self-defence even if the victim initiated the assault by verbal threats or a physical act. One may also act in defence of others but one cannot use more force than is necessary to prevent the assault or its repetition. We also have the right to defend personal property either fixed or moveable, but very specific rules apply to each type and to the various circumstances that create the trespass.

## Activity Sheet 3-4: Criminal Defences Case Studies

### Lesson 7

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### Types of Defences

Automatism	Mistake of fact
Consent	Mistake of law
Duress (compulsion)	Necessity
Entrapment	Provocation
Intoxication	Self-defence
Insanity (mental disorder)	

#### Assignment

You will choose or be assigned one of the common defences to crime from the list above. Other defences in law exist and with your teacher's consent you may select a defence not on the list. Your task is to research the elements of the defence, precedent setting case(s) and explain the function of the defence and its purpose.

You will prepare a presentation for class by creating a PowerPoint slide show or other media representation of your research as directed by the teacher. The following guiding steps will assist you with the details of the research and criteria for the presentation.

- Prepare a clear and concise description of the legal elements of your defence. How and when is it to be applied in case law?
- Explain how the defence is related to the legal requirements of *mens rea* or *actus reus*. Does the defence apply to the act or to the state of mind?
- If the accused is successful in application of the defence, what will be the net effect: acquittal, retrial, placed in indefinite custody, or reduction of sentence to lesser charge? Explain.

- Use the case(s) listed below and present a summary of the judgment and describe how the assigned defence was applied to the case.

#### Criminal Defence Cases

*Automatism* R. v. Parks, [1992] S.C.J. No. 71  
R. v. Stone, [1999] S.C.J. No. 27

*Automatism* R. v. Parks, [1992] S.C.J. No. 71  
R. v. Stone, [1999] S.C.J. No. 27

*Consent* R. v. Jobidon, [1991] S.C.J. No. 65

*Duress* R. v. Carker, [1966] S.C.J. No. 65  
R. v. S., [1988] B.C.J.  
R. v. Ruzic, [2001] S.C.J. No. 25

*Entrapment* R. v. Mack, [1988] S.C.J. No. 91  
R. v. Barnes, [1991] S.C.J. No. 17

*Intoxication* R. v. Daviault, [1994] S.C.J. No. 77  
R. v. Leary, [1977] S.C.J. No. 39

*Mental Disorder* R. v. Abbey, [1982] S.C.J. No. 59  
Cooper v. The Queen, [1983] 1 S.C.R. 240

*Mistake of Law* R. v. Campbell, [1972] B.C.J. No. 231  
R. v. Cancoil Thermal Corp., [1986] O.J. No. 290

*Mistake of Fact* R. v. Haberstock, [1970] S.J. No. 265

*Necessity* Perka et al. v. R., [1984] 38 B.C.L.R. 273

*Provocation* R. v. Daniels, [1983] N.W.T.J. No. 29

*Battered Woman Syndrome* R. v. Malott, [1998] S.C.J. No. 12

*Self-Defence* R. v. Lavallee, [1990] S.C.J. No. 36  
R. v. Charlebois, [2000] S.C.J. No. 55  
R. v. McIntosh, [1995] S.C.J. No. 16



## Activity Sheet 3-5: Teacher Evaluation of Criminal Defences Presentation

### Lesson 7

Name: \_\_\_\_\_ Date of Presentation: \_\_\_\_\_ Block: \_\_\_\_\_

Defence Presented: \_\_\_\_\_

#### Presentation Style

Eye Contact	1	2	3	4	5
Clarity	1	2	3	4	5
Organization	1	2	3	4	5
Content	1	2	3	4	5

**/20**

#### Support Materials

Media Slideshow	yes / no
Overheads	yes / no
Video	yes / no
Poster/Diagrams	yes / no
Chart	yes / no
Student Notes	yes / no

**/18**

#### Content Evaluation

Quality of Research		1	2	3	4	5
Accuracy of Information	1	2	3	4	5	
Appropriate Use of Cases	1	2	3	4	5	
Application of Defence to Case	1	2	3	4	5	
Overall Student Understanding	1	2	3	4	5	

**/25**

#### Notes

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**Total: / 63**

### Lesson 8: Sentencing, Restorative Justice and Appeals

#### ■ Overview

In this lesson students will learn about Canada's justice system, with particular emphasis on the principles of sentencing, sentencing alternatives, purposes of sentencing and the constraints placed on the justice system.

#### ■ Objectives

Students will

- Understand restorative justice, sentencing, and appeals.
- Understand the constraints on the criminal justice system and how federal legislation impacts our criminal courts.
- Describe sentencing alternatives and the relationship between crimes and sentences.
- Adopt a position on the need for prisons and incarceration in the reform or rehabilitation of offenders.

#### ■ Basics for the Teacher

##### Content

See *Activity Sheet 1-1: Purpose and Principles of Sentencing in Canada* for the basics for this lesson.

#### ■ Student Handouts

*Activity Sheet 1-1: Purpose and Principles of Sentencing in Canada*

*Activity Sheet 1-2: Principles of Sentencing: Read-React*

*Activity Sheet 2-1: Debate on Mandatory Minimum Sentences*

*Activity Sheet 2-1: Debate Information*

*Activity Sheet 3-1: Debate Grading Rubric*

*Activity Sheet 3-2: Group/Self Evaluation Rubric*

#### ■ Instructions for the Teacher

##### Activity 1: Purpose and Principles of Sentencing in Canada

Assign *Activity Sheet 1-1: Purpose and Principles of Sentencing in Canada* for pre-reading one class prior to this lesson or have the class conduct an active reading activity in class. Debrief the key concepts, emphasizing the complexity of sentencing offenders while balancing the various interests of victims, offenders and society. Provide each student with *Activity Sheet 1-2: Principles of Sentencing: Read-React* and have them separate into groups of four or five.

Assign the groups one or more of the statements for discussion, reflection and a reaction. Instruct the groups to read the assigned statement, discuss its meaning, take five minutes to write out their reflections and present the opinion to the class. Have each group question, critique or debate the statements made by other groups and encourage discussion while highlighting salient points or valuable insights.

The value in the activity comes when the students must think about the goals of sentencing offenders and move away from simplistic notions of punishment.

### Activity 2: Mandatory Minimum Sentence

The students will conduct a formal debate on mandatory minimum sentences. Assign students to teams of six (double up roles if there are teams with fewer than six students). Once teams are set, provide students with *Activity Sheet 2-1: Debate on Mandatory Minimum Sentences* and *Activity Sheet 2-2: Debate Rubric*. You may also want to provide each team with one copy of the criteria for grading in *Activity Sheet 3-1: Debate Grading Rubric*.

Review the debate topic, process and grading with all students and instruct them to choose roles for the debate. Allow one to two classes for research and writing or adjust the time limits to the debate roles and adjust prep time accordingly. The process for the debate is outlined in the handouts but adjust as required for student ability, class time allotments or research time.

### Activity 3: Grading the Debate

Two rubrics have been provided. *Activity Sheet 3-1: Debate Grading Rubric* can be used by you to grade each student's performance. *Activity Sheet 3-2: Group/Self Evaluation Rubric* can be given to the students to evaluate themselves and their group. You may also want to keep team scores and have bonus marks assigned to each winning team.

### ■ Assessment

The assessment piece for Activity 1 is informal and would target the completion of the assigned tasks and a successful presentation of an opinion. Participation of the students is more important than the depth, accuracy or knowledge demonstrated in their responses. Alternatively, you can collect the written copy of the group's reflections and assign a grade.

Use the rubrics for your grading of Activity 2. You may want to create a tally scoring system for grading the teams and assigning bonus marks for the winning team in each round of debating.

### ■ Extension Activities

1. Invite a guest speaker from L.I.N.C. (Long-term Inmates Now in the Community) to your classroom. L.I.N.C. members have served time in federal prisons and can speak frankly and directly about their experiences and the nature of sentencing. Prepare a list of questions or issues you would like them to address in the presentation. Reach L.I.N.C. at [www.lincsociety.bc.ca](http://www.lincsociety.bc.ca)

**NB** Some of the guest speakers have committed serious crimes and you will want to discuss this with your school administration prior to making an invitation.

2. Begin a restorative justice program in your school by contacting the school administration. Introduce the idea of mediating victims and offenders and having offenders take responsibility for their actions through restitution, community service or reconciliation.
3. Conduct a research poll in your school on firearms control in Canada. Design a series of questions about firearms laws or gun control and circulate the survey to as many students as possible. A reasonable sample from which you could draw conclusions would require a random sample of at least 10% of the student body (your poll results will be accurate within 5% of the total school population if well designed). Upon completion of the survey gather the results and draft your conclusions.
4. Write a letter to the editor of your local newspaper or create a blog on the issue of mandatory minimum sentences for firearms and drug offences. If you choose a blog provide the URL to your teacher and your class and have them respond to your ideas.

# Activity Sheet 1-1: Purpose and Principles of Sentencing in Canada

## Lesson 8

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

Sentencing is one of the more controversial aspects of the Canadian criminal justice system. In determining the sentence to be imposed on a convicted offender, the courts have the task of trying to balance the ideals of justice held by society with the needs of victims and offenders.

The popular media and politicians are quick to exaggerate the seriousness and frequency of crime, swaying public attitudes toward more severe penal sanctions and increases in imprisonment for a wider range of crimes.



Canada's justice system must operate with a broader view of crime, criminality and the role of sentencing. Moreover, our justice system must acknowledge and resolve the racial inequities of our prisons where

Aboriginal offenders make up 16% of federal prison population and 20% of our provincial prisons, yet Aboriginal people constitute only 2.7% of our national population. In addition, our justice system is accountable to the *Canadian Charter of Rights and Freedoms* in s. 12 that forbids "cruel and unusual treatment or punishment". Since 1982, for example, the Supreme Court of Canada has reviewed minimum mandatory prison sentences (*R. v. Smith* (1987)), and the severity of these sentences (*R. v. Latimer* (2001)).

### Restorative Justice

Another recent direction in Canada's justice system is known as restorative justice. Restorative justice puts the emphasis on the wrong done to a person and community rather than viewing all crime as acts against the state. This shifts the focus from punishing offenders to helping and healing victims and repairing relationships with the community.

Restorative justice programs involve the voluntary participation of the victim of the crime, the

offender and, ideally, members of the community, in discussions. The goal is to "restore" the relationship, fix the damage that has been done and prevent further crimes from occurring. The offender must acknowledge and accept responsibility for crime and for the harm done to the victim. Group conferencing, healing circles, reconciliation panels and victim-offender mediation are used in restorative justice initiatives.

### Principles of Sentencing

The *Criminal Code of Canada* outlines the principles and purpose of sentencing in s. 718. These principles are placed in the *Criminal Code* as a clear guideline to judges and a statement of principles to give direction to our penal laws and sanctions.

In general terms, all sentencing provisions reflect four core principles of justice 1) **deterrence** – to reduce or restrict criminal conduct 2) **restitution** – to repay, repair or compensate victim losses and suffering 3) **rehabilitation** – to change the behaviour of an offender and reconstitute them as productive citizens 4) **incarceration** – to temporarily secure the offender and suspend the offender's liberty.

These concepts of sentencing can be found in the *Criminal Code* in addition to broad principles like proportionality, the application of aggravating or mitigating factors, similar sentences for similar crimes and offenders and special consideration for Aboriginal offenders.

**718.** The fundamental purpose of sentencing is to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:

- a. To denounce unlawful conduct;
- b. To deter the offender and other persons from committing offences;
- c. To separate offenders from society, where necessary;

- d. To assist in rehabilitating offenders;
- e. To provide reparations for harm done to victims or to the community; and
- f. To promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims and to the community.

The fundamental principle of sentencing is as follows:

**718.1** A sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.

Other sentencing principles include the following:

**718.2** A court that imposes a sentence shall also take into consideration the following principles:

- A sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing,
  - (i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor,
- or
- (ii) evidence that the offender, in committing the offence, abused a position of trust or authority in relation to the victim shall be deemed to be aggravating circumstances;
- A sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;
- Where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;
- An offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and
- All available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circum-

stances of Aboriginal offenders.

## Sentencing Options

Presently the criminal law courts have several options when sentencing offenders. This gives the court considerable latitude to consider the nature of the crime, the offender, the victim, public safety and the society at large. The following options may be used.

**1. Absolute and Conditional Discharge:** an absolute discharge means the offender will be viewed as not having a conviction, whereas a conditional discharge means the offender must follow certain guidelines for a specified period of time. Upon successful completion the offender will be given an absolute discharge.

**2. Probation:** may be used as a sentence outright or at the completion of imprisonment and generally includes behaviour expectations and abstention from drugs, alcohol or weapons.

**3. Restitution:** this is a payment made by an offender to the victim to cover expenses arising from the crime.

**4. Fines and Community Service:** fines are frequently used as a sentencing option and are often combined with service in the community which is applied as credits towards the amount owed.

**5. Conditional Sentence:** a conditional sentence is served in the community with a set of guidelines imposed by the court.

**6. Intermittent Imprisonment:** for sentences of 90 days or fewer, an offender can serve the sentence intermittently.

**7. Imprisonment:** the most serious sentencing option available means a minimum of six months and a maximum of life in prison.

**8. Long Term Offender:** offenders in this class will receive a sentence longer than two years, are at risk to re-offend, and are a risk to the community.

**9. Dangerous Offender Declaration:** section 753 of the *Criminal Code* allows the court to categorize the most dangerous offenders and sentence them to an indefinite period of time.

## Activity Sheet 1-2: Principles of Sentencing: Read-React

### Lesson 8

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

Your group will be assigned one or more of the following statements for discussion, reflection and a reaction that you will present to the class. Read the assigned statement, discuss its meaning with your group, take five minutes to write out your reflections and present an opinion to the class.

- **Strict laws and severe punishments are needed to regulate the naturally immoral behaviour of men.**
- **The punishment for a crime is best measured by the harm it causes to society.**
- **The more severe the punishment the more likely that the crime will not be committed.**
- **The certainty of punishment is a better deterrent to crime than the severity of the punishment.**
- **Clear and simple laws, swift justice and proportionate sentences will prevent more crime than severe punishments alone.**
- **The true measure of the seriousness of a crime is the harm it causes society not the harm it causes the victim.**
- **Judges must not be allowed to interpret the laws of Parliament, only to enforce them.**
- **Judges are incapable of avoiding bias in the judgments they write. Therefore they must have little freedom when sentencing offenders.**
- **Criminals should not be detained until they are sentenced.**



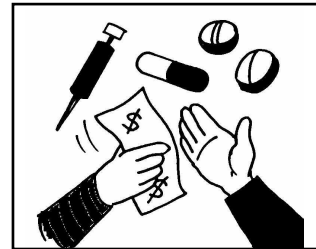
## Activity Sheet 2-1: Debate on Mandatory Minimum Sentences

### Lesson 8

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### Sentencing Policy Reflections on Mandatory Minimum Sentences

Bill C-15, introduced by the federal government in 2009, is designed to create a series of escalating mandatory minimum sentences for drug-related offences. Presently, very few mandatory minimum sentences exist in the *Criminal Code* and those that do are for very serious crimes like manslaughter (which features a 10-year minimum - see *R. v. Latimer*).



The proposed legislation would introduce a wide range of minimum sentences for the production, possession and distribution (trafficking) of illegal narcotics and for the use of firearms in the commission of a crime. The government has stated these changes are necessary to 'get tough on crime' as our American neighbours have in the past decade. From the perspective of sentencing principles, the mandatory minimum is directed at deterrence and punishment and not restoring justice, rehabilitating offenders or making society free of drug abuse.

In this activity you will take part in a formal debate on the issue of mandatory minimum sentences. This type of debate is very structured and specific time limits and guidelines will be part of the process. Below are some starting points for the two perspectives on mandatory sentences and you may use these as part of your arsenal of arguments for the debate but you will also need to conduct your own research. You will choose a side (alternatively your teacher will assign you to an argument), prepare your argument and present the argument during formal debate.

#### Debate Process

A formal debate uses the following assigned roles: 1<sup>st</sup> proposition constructive, 1<sup>st</sup> opposition constructive, 2<sup>nd</sup> proposition constructive, 2<sup>nd</sup> opposition constructive, opposition rebuttal and proposition rebuttal. Each role has assigned responsibilities and time limits for the debate.

Proposition arguments (1<sup>st</sup> and 2<sup>nd</sup>) are in support of the debate resolution but must present different argument - these speaking roles have a 5-minute maximum. The 1<sup>st</sup> and 2<sup>nd</sup> opposition have the same timed maximums but focus on arguing against the debate resolution. During the rebuttal phase each side has a chance to attack and critique the specific arguments made during the first and second round of speeches. The rebuttal does not bring in new arguments and must only focus on critiquing the arguments raised in earlier speeches. The order of speaking is as follows:

1<sup>st</sup> Proposition Constructive, 1<sup>st</sup> Opposition Constructive, 2<sup>nd</sup> Proposition Constructive, 2<sup>nd</sup> Opposition Constructive, Opposition Rebuttal, Proposition Rebuttal.

### Debate Resolution

“Be it resolved that the *Criminal Code* be amended to include mandatory minimum sentences for drug-related and firearms related offences.”

### Suggested Con-arguments

- They do not advance the goal of deterrence.
- They do not target the most egregious or dangerous offenders.
- They have a disproportionate impact on those minority groups who already suffer from poverty and deprivation.
- They subvert important aspects of Canada’s sentencing regime, including principles of proportionality and individualization and reliance on judges to impose a just sentence after hearing all the facts in the individual case.

### Suggested Pro-arguments

- Drug crimes and the violence associated with them are out of control. Mandatory sentences will prevent repeat offences and send a strong message to deter criminals.
- Firearms offences are growing in number and increasing the risk and danger to our police agencies. Such incidents should be treated harshly lest we have a gun control problem like the USA.
- Judges have the freedom to impose tougher sentences but will not do so consistently. Therefore the laws need to impose tougher sentences for them.
- Numerous research studies have shown that mandatory sentences have an impact on crime rates.

**NB.** You may have a written copy of your speech with you while presenting your argument but rehearse the speech and make as much eye contact with the audience as possible to increase the effectiveness of your speaking.



## Activity Sheet 2-2: Debate Information

### Lesson 8

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### Mandatory Minimum Sentences Debate

Resolution

"Be it resolved that the *Criminal Code* be amended to include mandatory minimum sentences for drug-related and firearms related offences."

Team members: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

1<sup>st</sup> Proposition Constructive - 5 minutes \_\_\_\_\_

1<sup>st</sup> Opposition Constructive - 5 minutes \_\_\_\_\_

2<sup>nd</sup> Proposition Constructive - 5 minutes \_\_\_\_\_

2<sup>nd</sup> Opposition Constructive - 5 minutes \_\_\_\_\_

Opposition Rebuttal - 5 minutes \_\_\_\_\_

Proposition Rebuttal - 5 minutes \_\_\_\_\_

Key Arguments Pro

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Key Arguments Con

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## Activity 3-1: Debate Grading Rubric

### Lesson 8

Student Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

This can be used to evaluate students' performance in the class debate.

	<b>Not Meeting Expectations</b>	<b>Minimally Meeting Expectations</b>	<b>Meeting Expectations</b>	<b>Exceeds Expectations</b>
<b>Treatment of Topic/Knowledge and Understanding</b>	Ideas are limited or not treated Point-of-view has no evidence	Point-of-view is clearly stated, has relevant facts, shows some understanding how concepts are linked	Reflect solid knowledge about the relevant facts, point-of-view is strongly presented, evidence of critical thinking	Ideas and arguments are sophisticated, concepts are linked and related, ideas support topic, critical thinking
<b>Arguments and Evidence</b>	Little or no evidence presented, based on personal opinion only and very flawed logic	Two or three points made, evidence is logical, no counter-arguments made	Several points of evidence presented, logical with support, some counter-arguments considered and applied	Abundant points of evidence, logical, supported with research, apparent counter-arguments considered
<b>Organization /Communication</b>	Scattered, sloppy and informal, personal attacks used	Evidence is connected to topic simply, standard use of language	Evidence is presented in a logical sequence, opening and closing used, clear speech	Logical sequence of evidence, smooth transitions used between evidence and topic, eloquent and clear speech
<b>Presentation</b>	Lack of fluency and expressiveness, limited gestures and eye contact, no rebuttal	Some fluency and expression, some use of gestures and eye contact, limited rebuttal	Speaks fluently and is very expressive with eye contact and gestures, rebuttals are convincing	Speaking is highly skilled, uses gestures and eye contact, rebuttals are insightful.

## Activity 3-2: Group/ Self Evaluation Rubric

### Lesson 8

Student Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

You are to use this to evaluate your group members during debates, jigsaws and cooperative group activities. Read each of the description of the Individual Contribution to the Group Dynamic (ICGD). Give each student in your group a number in the chart provided below and total up that student's score. Make sure to comment as to why you gave your group members what you gave them. Please hand to your teacher.

Levels	Weak	Flawed	Competent	Accomplished	Outstanding
ICGD	Major impediment, off task often, did not contribute	Contributed two or more items, often off task, hard to focus	Participates often to the harmony of the group	Most of the time was positive force, participated in shaping the group dynamic	Regularly made significant contributions to the group and effective operation of group

0

2

4

6

8

Full Name	Weak	Flawed	Competent	Accomplished	Outstanding	Total	Comment
1.							
2.							
3.							
4.							
Self							

### Lesson 9: Canadian Charter of Rights and Freedoms - Legal Rights

#### ■ Overview

In this series of activities students will be asked to critically examine issues of legal rights, particularly as they relate to search and seizure on school premises. The first two lessons build a base of knowledge about the legal rights contained in the *Canadian Charter of Rights and Freedoms* (*Charter*) and how it is applied to cases. In lesson three the students read three precedent setting cases and prepare a school policy for lawful searches and student expectations of privacy.

#### ■ Objectives

Students will

- Demonstrate an understanding of their legal rights and freedoms as protected by the *Charter*.
- Understand the implications of a society without legal rights or fundamental freedoms.
- Understand how *Charter* decisions impact the criminal process.

#### ■ Basics for the Teacher

See *Activity Sheet 1-1: Case Studies* for the information you will need to know for this lesson.

#### ■ Student Handouts

*Copy of the Canadian Charter of Rights and Freedoms*

*Activity Sheet 1-1: Framework for Charter Reasoning*

*Activity Sheet 2-1: A Plain Language Charter of Rights and Freedoms*

*Activity Sheet 3-1: Case Studies*

*Activity Sheet 3-2: Illegal/Legal Searches in High School*

#### ■ Instructions for the Teacher

##### Activity 1: Framework for Charter Reasoning

Students will begin this section by examining a framework for *Charter* decisions found in *Activity Sheet 1-1: Framework for Charter Reasoning*. The framework, while simplified, will need some discussion and debriefing to assist the students in understanding how the *Charter* applies. Take some time to discuss its application to legal rights by highlighting examples to the class. When you are comfortable with the base of understanding, have students move to the following case study. The case is fictional but based on the precedent set by the Abbotsford school district:

“The Abbotsford Board of Education plans to resume searches by drug detection dogs this fall, and that has the BC Civil Liberties Association scrutinizing a Supreme Court of Canada ruling. That decision determined that police cannot use random dog searches to find drugs at schools or in public places, except airports. Searches were last in place at Abbotsford middle and high schools in the 2005-06 school year, on a random basis, but were halted after the private company contracted for the work had some of its dogs stolen, said Kevin Godden, acting secretary-treasurer for the school district.”<sup>1</sup>

Consider assigning the task in groups as the framework is difficult to use, contains several steps and the case provides limited infor-

<sup>1</sup> “Drug dogs back in schools” by Vikki Hopes and Joe Millican. *AbbyNews*, April 27, 2009. [www.bclocalnews.com/fraser\\_valley/abbynews/news/43824642.html](http://www.bclocalnews.com/fraser_valley/abbynews/news/43824642.html)  
Retrieved August 20, 2009



property. Provide students with *Activity Sheet 3-1: Case Studies*, the case summaries for: *R. v. MRM*, (1998) SCC 3, *R. v. Z (S.M.) (Man. C.A.)* (1998) and *R. v. A.M.*, (2008) SCC 19.

Each of these cases has given direction to drug searches in high schools whether by police or school administrators and represent the most recent rulings from our highest court. Provide students with *Activity Sheet 3-2: Illegal/Legal Searches in High School* and take some time to review the steps required to complete all tasks. Allow students sufficient time to analyze the cases and complete the first two steps.

At this point you will want to review and debrief the students' interpretations of the cases, the law and their application to school life. Step three asks students to prepare a policy statement for the high school agenda book outlining the privacy expectations of students and the school's lawful right to search and seize student property. Step four is offered as a bonus or extension assignment but you may want to bring in a school official or administrator to talk with the students about the existing policy.

## ■ Assessment

Informal assessment can be done throughout the lesson. Activity 1 is designed to encourage thoughtful discussion of the balance between the expectation of privacy held by students, and guaranteed under the *Charter*, and the right of school administrators to maintain a safe, drug and weapon free learning environment. Discussion can be grade on a participation basis as appropriate.

In Activity 2 grade the plain language *Charter* using the following criteria: creativity in use of concepts: 20%; originality of thought: 20%; clarity of expression: 30%; completion of all sections: 30%.

In Activity 3 the first two steps are preliminary ones and do not require formal assessment. For the activity in step 3 use the following guidelines for grading the student policy: accuracy in application of law: 30%; balance of student and school perspectives: 30%; clarity of language: 20%; meeting all guidelines: 20%.

## ■ Extension Activities

1. Contact a school board official in the Abbotsford School District and conduct a brief interview on the use of drug sniffing dogs in the district's high schools. Prepare your questions in advance and be respectful of the position taken by the official. You will find contact information on the website [www.sd34.bc.ca](http://www.sd34.bc.ca)
2. Conduct research on a precedent-setting case from the Supreme Court of Canada on one or more of the legal rights found in s. 7-14 of the *Charter*. Prepare a summary of each case, including parties involved, issue, legal ruling and final judgment. You will find the website [www.lexum.umontreal.ca](http://www.lexum.umontreal.ca) very useful for searching out digital copies of important SCC decisions.
3. Research the protection of legal rights in Canada pre-*Charter*. Rights such as habeas corpus have existed for several centuries in English Common law. Write a report outlining if and how these rights were protected in law or practice before 1982.
4. Research legal rights protection in the United States and create a compare and contrast chart between Canadian and American legal rights. You find the legal rights of Americans protected under the Fourth Amendment to the Eighth Amendment to the Constitution of the USA.
5. Students can research and report on any number of cases related to student legal rights and the *Charter* outside of the school context. Start with a recent decision of the Supreme Court of Canada in *R. v. Kang-Brown*, (2009) SCC 18.
6. Attend a school board (board of trustees) meeting in your school district and direct a question at the board with respect to the use of drug sniffing dogs. Report back with the response from the board. Alternatively you can write (email) a trustee with your question and report back on their response.
7. Visit Legal Rights for You website [www.legal-rights4u.ca](http://www.legal-rights4u.ca) and watch the nine scenarios. Select one scenario and write down some of the questions that are being addressed in it. Ask those questions in class to test your classmates' knowledge, and then show the video

# Activity Sheet 1-1: Framework for *Charter* Reasoning

## Lesson 9

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

### The *Canadian Charter of Rights and Freedoms*

#### Step 1: Confirm Applicability of the *Charter*

A case falls within the domain of the *Charter* if it:

- a. Falls within the “sphere of government action”. The first step is to determine if the statute in question was enacted by one of the three levels of government.
- b. Involves a law that has not been excluded by “expressed exemption”. This means that the law may violate our rights because it is allowed under s. 33 of the *Charter* (e.g. French only sign law in Quebec).



#### Step 2: Determine Infringement of Right

To determine whether or not a right has been infringed:

- a. Identify the appropriate section(s) of the *Charter* that protects us from this particular violation.
- b. Clarify the section(s)-parse or break down the section into its “right” and “right holder” categories. Who and what is protected by the *Charter* right? Match the facts - decide whether the particulars of the case fall within the types of situations covered by the section(s). In simple terms does the case clearly show a violation of rights?

#### Step 3: Establish Reasonable Limits

An infringement of the *Charter* is justified in some cases. The courts will allow our rights to be violated but all steps in the following test must be met:

- a. Is it “prescribed by law” - meaning that the law must be written in some statute.
- b. Does it have a “clearly justified objective” - the general objective being sought must be sufficiently important to justify overriding the *Charter*. There must be a purpose for violating our rights - is it more important than the violation?
- c. Does it employ a “clearly justified means” – the means must be carefully designed to impair as little as possible and not cause more harm than it avoids.

#### Step 4: Decide on Enforcement

If it is established that a *Charter* violation has occurred, redress may include any of the following:

- a. Invalidating legislation that offends the *Charter*. This means the law in question will become of “no force or effect” and will cease to be used.
- b. Compensation for the victim. This depends on the nature of the violation.
- c. Evidence may be excluded from a criminal trial. For example, if the court rules that the police violated your right to “unreasonable search or seizure” then they will exclude any evidence gathered during that search. This provision leads to an acquittal or stay of proceedings if no other evidence is available.

### **Application of *Charter* Framework - You Be the Judge!**

Use the case description below to rule whether a *Charter* violation has occurred and, if so, decide what action is required. You must follow the steps from the framework while working through the case example. Consider the steps as a series of questions, as you answer the questions it will become clear whether a violation has occurred and what you could do to remedy the violation.

#### **“Schoolhouse Rocks”**

A local school district has a serious drug trafficking and drug use problem in its high schools, particularly with rock cocaine and ‘crystal meth.’ The recently-elected members of the school board want serious action taken to reduce the problem and catch the offenders, however the budget is tight and there is little money for increased security, surveillance cameras or extra administrators. They have decided to use drug-sniffing dogs in the gym areas, school lockers, parking lot and hallways of the high schools.

Police officers will bring drug dogs into the schools on a random basis so that drug dealers and users will not know when the checks will happen. All drugs seized will be turned over to the administration and criminal charges will be laid against offenders. Apply the facts to the *Charter* framework and prepare a judgment you will present to the class

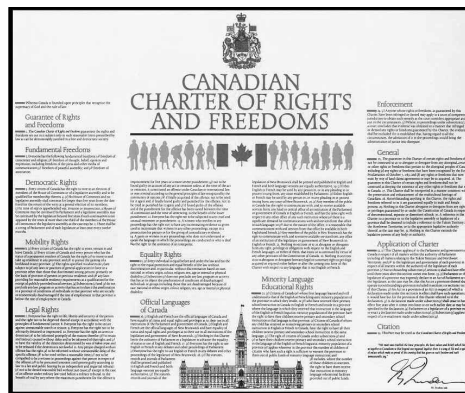


## Activity Sheet 2-1: A Plain Language *Charter of Rights and Freedoms*

### Lesson 9

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

In this activity you will learn more about the specific legal rights we all share under the *Charter*. Examine the ‘Legal Rights’ in sections 7-14 of the *Charter*. This is where our specific legal protections are held. You surely have watched television shows or movies where accused felons demand the right to a lawyer, a warrant for any search of property, a fair trial or the right to be presumed innocent. All of these key legal rights are identified in s. 7-14 of our *Charter* and they apply to you even though you are under 18 years old. In fact, because you are classified as a youth between ages 12 and 17, you have additional legal rights not spelled out in the *Charter*.



Your task here is to re-write all of s. 7-14 in language that is understandable to young persons and their unique needs. Take each section and write it using your own words so that it makes a reasonable representation of the rights given in s. 7-14. Read the example given then proceed to do your own plain language *Charter* (do not forget to give it a name).

#### Plain Language Example of Section 8

Section 8 of the *Charter* reads: “Everyone has the right to be secure against unreasonable search or seizure.”

This is one example of a plain language drafting of section 8 of the *Charter*:

“All people living in Canada have the right to be free from searches of their person or property unless the police can provide evidence for a search. A search is only reasonable if the police have hard evidence of a crime. We must also be free from the police or government taking our property without good reason.”

As you can see from the example it is possible to use more language to describe what you mean and it is possible to use some of the phrases included in the original wording. The purpose of the activity is not to write perfect examples but to think of who has these rights, how they should apply, and what they mean. Good luck!

**Your final copy should be handed in, typewritten with headings, section titles and numbers, your name, student id, and date.**

## Activity Sheet 3-1: Case Studies

### Lesson 9

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### **Case 1: *R. v. M.R.M.*, [1998] S.C.J. No. 83**

A student attending a school dance was searched by the vice-principal and was found to be hiding a bag of marijuana in his sock. The vice-principal had acted on information he received from “several students that the appellant was selling drugs on school property” and “had reason to believe this information because the students knew the appellant well and one of them had, on an earlier occasion, given him information which had proven to be correct”. The question for the court to consider was whether the search was “reasonable” in accordance with s. 8 of the *Charter*.

The judgment went in favour of the school and is explained by Justice Cory as follows:

- A warrant is not essential in order to conduct a search of a student by a school authority.
- The school authority must have reasonable grounds to believe that there has been a breach of school regulations or discipline and that a search of a student would reveal evidence of that breach.
- School authorities will be in the best position to assess information given to them and relate it to the situation existing in their school. Courts should recognize the preferred position of school authorities to determine if reasonable grounds existed for the search.
- The following may constitute reasonable grounds in this context: information received from one student considered to be credible, information received from more than one student, a teacher’s or principal’s own observations, or any combination of these pieces of information which the relevant authority considers to be credible. The compelling nature of the information and the credibili-

ty of these or other sources must be assessed by the school authority in the context of the circumstances existing at the particular school.

The ruling upheld the right of teachers and administrators to search bags, lockers and clothing if all the prescribed conditions are met. The ruling grounds itself in a legal concept ‘*in loco parentis*’ that in translation means ‘in the place of parents’. It is this concept that gives ground to many school rules, policies, consequences, and violations of common rights. In essence it would be like stating that your parents have no legal right to search your room, cabinets or personal things for drugs or weapons. You might wish they did not but you do not have any legal right to refuse.

#### **Case 2: *R. v. Z. (S.M.)*, [1998] 131 C.C.C. (3d) 136 (Man. C.A.)**

This case gives clarity to the issue of locker searches, as different from searching the personal effects or clothing of a student like in the case *R. v. M.R.M.* In that case the courts ruled that searches of the person, their clothing or bags is a violation of rights held under s. 8 but is reasonable for the safe operation of schools and protection of students. However, the judgment only related to searches conducted by school personnel, not the police.

It was explained in *R. v. M.R.M.* that via the concept of ‘*in loco parentis*’ school lockers are the property of the school board and are used by students with the permission of the school and are not the private property of the students. Schools are advised to inform each student of the school’s right to search lockers and should have policies in place so that the students have a reduced expectation of privacy, as they would in their own homes with respect to parent searches.

In this case the vice-principal of a junior high school conducted a locker search of a 15-year-old student's locker, after reports of drug use in the school. Classmates had reported that the student was present when drug use took place or was associated with other students thought to be involved in drugs.

On the morning of the search, the student was absent without permission and had returned to the school through an entrance that was not usually open during the day. These factors caused the vice-principal to suspect that he may have picked up drugs that day. The vice-principal searched the locker and found marijuana. The trial judge acquitted the accused, stating that the search infringed the s. 8 rights of the student. The decision was appealed but upheld by the Manitoba Court of Appeal.

### Case 3: *R. v. A.M.*, [2008] S.C.J. No. 19

In the most recent judgment from the Supreme Court of Canada the issue of drug sniffing dogs, locker searches and warrantless searches in high school was discussed. The case built upon earlier rulings with respect to searches at schools but differed significantly because of the involvement of police.

In *R. v. A.M.* the police had a long-standing invitation from the principal of a high school to bring sniffer dogs into the school to search for drugs. The police had no knowledge that there were drugs in the school and they would not have been able to obtain a warrant to search the school. During the police's visit to the school, the students were confined to their classrooms as a trained police dog sniffed their backpacks in an empty gymnasium. The dog led police to a backpack containing marijuana and magic mushrooms. A youth was subsequently charged with possession of marijuana for the purpose of trafficking. In 2004, the Ontario Court of Appeal upheld a trial judge's decision to exclude the drugs as evidence and acquit the youth. The Crown appealed to the

Supreme Court of Canada (SCC).

In a 6-3 majority, the SCC held that the dog sniff amounted to a "search" within s. 8 of the *Charter* and that



students in school have a reasonable expectation of privacy. The SCC held that the subject matter of the sniff was the concealed contents of the backpack and not the 'air' around the backpack. Teenagers may have little expectation of privacy from the searching eyes and fingers of their parents, but they expect the contents of their backpacks not to be subject to the random searches of the police. This expectation is a reasonable one that society should support.

The use of the sniffer dog allowed the policeman to "see" through the fabric of the backpack, thus invading the expectation of privacy assumed by the accused. The SCC also noted that a warrantless search using sniffer dogs would be justified in the case where the police held a reasonable suspicion; but in this case there was no proper justification for the search. The search was deemed unreasonable and the SCC upheld the earlier judgment of the Ontario Court of Appeal and dismissed the appeal.

The case adds another layer to the issue of searches in our high schools. The top court ruled that a warrantless and unreasonable search by drug-sniffing dogs is not constitutional. However, drug-sniffing dogs could conduct searches, even warrantless searches if reasonable grounds were established prior to conducting the search. The Abbotsford School District conducted several warrantless searches in its high schools between 2005 and 2006 and has stated that it will consider searches for the 2009 school year notwithstanding the decision of the SCC. Further cases will be required to establish more precise guidelines for school administrators and students with respect to searches in our schools.

## Activity Sheet 3-2: Illegal/Legal Searches in High School

### Lesson 9

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

In this activity you will read about three significant court cases that deal with the issue of students' expectation of privacy vs. the right of school officials and police to conduct searches of lockers, backpacks, bags and clothing. High school students commonly expect that lockers, bags, backpacks and clothing are private areas that should be free from such searches but recognize that in maintaining safety it is not uncommon to have such items searched under reasonable grounds. However, it is not entirely clear to many students when such searches are lawful and when they are a direct violation of privacy rights.



This activity will help to sort out the law from fiction and allow you to express your viewpoint on the right to privacy in high school.

**Step 1:** Read the cases below and highlight key points on privacy, the legal interpretation of a search, the distinction between police powers to search and those given to school officials, and the implication of searching bags, lockers, backpacks or clothing.

**Step 2:** Write out a brief summary of the ruling given in each of the three cases. Who won, why, what distinctions were drawn and what are the implications of the ruling for high schools, administrators, students and the police.

**Step 3:** You are a newly-elected member of the local school board (board of school trustees) and have been assigned the task of writing a brief policy summary of student privacy and locker/backpack/bag searches for all of the local high schools. The summary will be reprinted in the agenda books of every high school in the district and a copy sent home to parents so that all parties are clear on the policy. The policy must be typewritten, one paragraph in length and precise in its wording to avoid misinterpretation.

**Step 4:** As an optional extension activity you will present your policy to one of the school administrators (Principal or Vice-Principal) and ask them to comment on its potential use as an actual school policy. If possible have an administrator, school official or trustee speak to the class about the balance between students' right to privacy and the school's expectation of a safe, drug and weapon free environment.

# Lesson 10: Canadian Citizenship Rights and Responsibilities

### ■ Overview

Lesson five examines the issue of citizenship in its current and historic contexts by investigating the voyage of the Komagata Maru, having students take a citizenship test and by discussing the nature of citizenship.

### ■ Objectives

Students will

- Demonstrate an understanding of the citizenship process and requirements for citizenship in Canada.
- Demonstrate knowledge of the rights and responsibilities of Canadian citizens.
- Understand how specific immigration laws and acts have evolved and shaped citizenship in Canadian society.
- Students will recognize and understand the hardships endured by many ethnic minorities in gaining citizenship rights in Canada.

### ■ Basics for the Teacher

See *Activity Sheet 1-1: Citizenship 101* for the basics and *Activity 2-1: The Voyage of the Komagata Maru* for the basics for this lesson.

### ■ Student Handouts

*Activity Sheet 1-1: Citizenship 101*

*Activity Sheet 1-2: Would You Pass the Test?*

*Activity Sheet 2-1: The Voyage of the Komagata Maru*

*Activity Sheet 2-2: The 'Continuous Passage' Act*

*Activity Sheet 2-3: A Moral Dilemma*

### ■ Instructions for the Teacher

#### Activity 1: Citizenship 101

Provide students with *Activity Sheet 1-1: Citizenship 101* on current citizenship rights, responsibilities and guidelines. Review as a class or assign as reading for next class. Then have the students take an abbreviated version of the citizenship test. Allow 10-15 minutes for the test and instruct the students to do their best in answering each question. Review the answers using *Activity Sheet 1-2: Would You Pass the Test? Answer Key* and conduct a discussion about the nature of the questions (these are real examples from test samples). Why would knowledge of these things constitute good citizenship? This prepares students for the next activity that examines the historic context of citizenship and immigration.

#### Activity 2: The Voyage of the Komagata Maru

Students will use the historic case of the Komagata Maru to establish an understanding of citizenship and its historic evolution in Canadian law. Begin by asking students what they know about citizenship rights and responsibilities as a review and introduction to the topic. Pose the question of what the federal government (immigration department) would do if a ship filled with British or American citizens arrived in the harbour of Stanley Park asking for entry to Canada. Point out that as British or American citizens they share common ground with both groups in terms of culture, language, politics and ways of living.

After entertaining a brief conversation on the options ask the students to consider that a similar scenario happened almost 100 years

ago and that all of the potential immigrants were turned away. At this point provide each student with a copy of *Activity Sheet 2-1: The Voyage of the Komagata Maru* and *Activity Sheet 2-2: The 'Continuous Passage' Act* and read through them with the class to clarify any questions about how the law worked and who would be affected by its implementation in 1908.

Now provide students with *Activity Sheet 2-2: A Moral Dilemma* and have them complete the research and background questions in the first part of the hand-out. These questions should be debriefed thoroughly before asking students to respond to the moral dilemma. The next step asks the students to provide input to the federal government on the moral veracity of denying these potential immigrants entry as British subjects and its moral obligation to redress the South Asian community for the injustices inflicted by the 'continuous passage act' of 1908. Students may choose a variety of platforms for the end product though you may want to build in your own parameters on the size and composition of the projects.

## ■ Assessment

The citizenship test is not intended to be graded as would a normal class quiz but the quiz does offer some review of concepts previously covered in these units and in the general course content of Social Studies 11. Use your professional judgment when considering how to assess student knowledge and participation in the quiz.

Assessment of the projects is dependent upon the type of product produced by the students. However, some common elements should be highlighted as criteria for this assignment: quality of moral reasoning, inclusion of legal elements of policy, depth of factual knowledge, soundness of judgment, and capacity to link past injustice with current social and cultural policy.

## ■ Extension Activities

1. Organize and hold a reaffirmation ceremony for your class, grade or whole school. You can get information and certificates by going to the Canadian and Immigration Canada ([www.cic.gc.ca](http://www.cic.gc.ca)).
2. Attend a citizenship ceremony. Interview some of the new Canadians at this ceremony. Film them if you can and produce a video or collage of pictures to present to your class. Make sure to get the people to sign a permission to publish their pictures, names and information.
3. Do a case study examining the development of citizenship and immigration law in Canada - the S.S. St. Louis, internment of Japanese Canadians or Maher Arar. Many curriculum and online resources are available on each of these topics.
4. Citizenship has evolved in Canada since the country's formation in 1867. Conduct research on the changes to the citizenship laws of Canada and explain the changes with respect to rights, responsibilities, access and processes.
5. Take the Citizenship Test to the Streets to see how the general public responds to the questions. Keep a record of the responses and compile them in a report for your class. You may be surprised at what you find. Make sure to ask the questions of all age groups.

# Activity Sheet 1-1: Citizenship 101

## Lesson 10

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

### Citizenship Basics

You can be born a Canadian citizen if your birthplace is Canada or if you were born outside of Canada but one or both parents are Canadian citizens.

If you were not born a citizen then you must apply for a grant of citizenship. To qualify for a grant of citizenship you must be 18 years of age, make an application for citizenship and must be a permanent resident (landed immigrant) for at least three of the last four years.



You may not apply for Canadian citizenship if you are under 18 years of age, under a probation order, a paroled inmate, inmate of any prison, jail, reformatory or penitentiary, have been charged with an offence under the *Citizenship Act* or an indictable offence, or are under investigation by CSIS or the RCMP for war crimes or crimes against humanity.

Your rights as a citizen include the right to vote, the right to hold a Canadian Passport, the right not to be deported from Canada (specific guidelines apply to this if you are/were a foreign national or permanent resident), you may run in an election, and you will receive preference over non-citizens for certain jobs within the federal government. Note that permanent residents are under no legal obligation to apply for citizenship.

A citizenship application involves filing the necessary papers, taking a citizenship test, sitting for an oral interview or citizenship hearing, attending a citizenship ceremony and taking an oath of citizenship.

Prior to 1977 Canada did not allow dual citizenship and persons from other countries either lost citizenship to their native home or were not granted Canadian citizenship. You may lose your citizenship if you renounce it formally by application, by making a fraudulent application, or if you were born outside of Canada to Canadian parents after February 1977 and attained the age of 28 without making application to retain your citizenship.

With the rights of citizenship come responsibilities and Canadian citizens are expected to obey the law, vote in elections, respect diversity and fight intolerance, help others in the community, care for and protect our heritage and respect the rights of others.

# Activity Sheet 1-1: Would You Pass the Test?

## Lesson 10

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

### Questions about Canada

#### Aboriginal peoples

1. What are the three main groups of Aboriginal peoples?
  - a. Inuit, First Nations, Metis
  - b. Inuit, Coast Salish, Cree
  - c. Algonquin, Metis, Coast Salish
2. Which Aboriginal peoples make up more than half the population of the Northwest Territories and Nunavut?
  - a. Cree
  - b. Mic Mac
  - c. Inuit

#### History

1. Where did the first European settlers in Canada come from?
  - a. France
  - b. England
  - c. Spain
2. When did settlers from France first establish communities on the St. Lawrence River?
  - a. 17th century
  - b. 16th century
  - c. 18th century
3. Which trade spread across Canada, making it important to the economy for over 300 years?
  - a. Fish
  - b. Fur
  - c. Fowl

#### Confederation/Government

1. What is the *Canadian Constitution*?
  - a. A document used to outline the powers of government.
  - b. A document that gave power to Canada.
  - c. A document that gave us a bill of rights.

2. Which four provinces first formed Confederation and in what year?
  - a. Manitoba, Ontario, Quebec, British Columbia -1857
  - b. Ontario, Quebec, Nova Scotia, New Brunswick -1867
  - c. Ontario, Quebec, New Brunswick, Prince Edward Island -1871
3. When is Canada Day and what does it celebrate?
  - a. July 4th. It celebrates our nation's birthday.
  - b. July 1st. It celebrates our nation's birthday.
  - c. July 1st. It celebrates our first Prime Minister's birthday.

#### Rights and Responsibilities

1. Name two fundamental freedoms protected by the *Canadian Charter of Rights and Freedoms*.
  - a. The right to be free of excessive taxes and freedom of speech.
  - b. Freedom of law and freedom of religion.
  - c. Freedom of belief and freedom of speech.
2. Name three responsibilities of citizenship.
  - a. Obey the law, vote in elections, pay taxes.
  - b. Pay taxes, fight crime, have children.
  - c. To obey the law, vote in elections, eliminate discrimination and racism.
3. List four rights Canadian citizens have.
  - a. Presumption of innocence, right to vote, right to preference for federal employment.
  - b. Right to education, right to vote, right to housing.
  - c. Right to vote, right to own a gun, right to a lawyer upon arrest.



**Languages**

1. What are the two official languages of Canada?
  - a. Spanish and French
  - b. English and French
  - c. German and French
2. Which province has the most bilingual Canadians?
  - a. Ontario
  - b. Quebec
  - c. New Brunswick

**Symbols**

1. What does the Canadian flag look like?
  - a. A Union Jack
  - b. A Fleur-de-lis
  - c. A maple leaf
2. Give the first two lines of Canada's national anthem.
  - a. O' Canada our home and native land.  
True patriots love by all thy sons command.
  - b. O' Canada the truth north strong and free. We stand on guard, we stand on guard for thee.
  - c. Oh say can you see by the dawn's early light. What so proudly we hailed at the twilight's last gleaming.

**Geography**

1. What is the population of Canada?
  - a. 27,000,000
  - b. 33,000,000
  - c. 61,000,000
2. What is the capital city of Canada?
  - a. Montreal
  - b. Toronto
  - c. Ottawa
3. Which mountain range is on the border between Alberta and British Columbia?
  - a. Rocky Mountains
  - b. Cascade Mountains
  - c. Alberta Mountains

**Economy**

1. What country is Canada's largest trading partner?
  - a. Mexico
  - b. China
  - c. United States
2. Which region is known as the industrial and manufacturing heartland of Canada?
  - a. Atlantic provinces
  - b. Central Canada
  - c. West Coast
3. Which region of Canada is known for both its fertile agricultural land and valuable energy resources?
  - a. Atlantic Region
  - b. Prairie Region
  - c. Central Canada

**Federal Government**

1. Who is Canada's Head of State?
  - a. Lieutenant Governor
  - b. Governor General (The Queen)
  - c. Prime Minister
2. What is the name of the current Governor General?
  - a. Jean Suave
  - b. Kim Campbell
  - c. Michaëlle Jean
3. What is Canada's system of government called?
  - a. Constitutional Monarchy
  - b. Parliamentary Government
  - c. Republican Democracy
4. What are the three parts of Parliament?
  - a. Senate, House of Commons, Governor General (The Queen)
  - b. Senate, House of Representatives, Lieutenant Governor
  - c. House of Commons, Prime Minister, Governor General

5. What are the three levels of government in Canada?

- a. Civil, Criminal, Constitutional
- b. Local, Provincial, Federal
- c. Federal, National, Constitutional

### Federal Elections

1. How many electoral districts are there in Canada?

- a. 301
- b. 305
- c. 308

2. What three requirements must you meet in order to vote in a federal election?

- a. A citizen, 18 years, registered to vote
- b. A resident, 18 years, registered to vote
- c. A resident, 21 years, registered to vote

3. When does an election have to be held according to the *Constitution*?

- a. At least once every 4 years
- b. At least once every 5 years
- c. At least once every 6 years

4. Name the Prime Minister of Canada and his party.

- a. Stephen Harper, Conservative Party
- b. Michael Ignatief, Liberal Party
- c. Jack Layton, New Democratic Party

5. How are senators chosen?

- a. Elected as our other Members of Parliament.
- b. Appointed by the Governor General on the advice of the Prime Minister.
- c. By Parliament through a secret ballot system.

### Questions about your Region

1. What is the capital city of the province or territory in which you live?

- a. Victoria
- b. Vancouver
- c. New Westminster

2. List three natural resources important to your region's economy.

- a. Lumber, fish, minerals
- b. Oil, gas, petroleum
- c. Water, oil, fish

3. What is the name of the premier of your province or territory?

- a. Stephen Harper
- b. Mike Harcourt
- c. Gordon Campbell

## Questions about Canada

### Aboriginal peoples

1. What are the three main groups of Aboriginal peoples?

**a. Inuit, First Nations, Metis**

2. Which Aboriginal peoples make up more than half the population of the Northwest Territories and Nunavut?

**c. Inuit**

### History

1. Where did the first European settlers in Canada come from?

**a. France**

2. When did settlers from France first establish communities on the St. Lawrence River?

**a. 17th century**

3. Which trade spread across Canada, making it important to the economy for over 300 years?

**b. Fur**

### Confederation/Government

1. What is the *Canadian Constitution*?

**a. A document used to outline the powers of government.**

2. Which four provinces first formed Confederation and in what year?

**b. Ontario, Quebec, Nova Scotia, New Brunswick -1867**

3. When is Canada Day and what does it celebrate?

**b. July 1st. It celebrates our nation's birthday.**

## Rights and Responsibilities

1. Name two fundamental freedoms protected by the *Canadian Charter of Rights and Freedoms*.

**c. Freedom of belief and freedom of speech.**

2. Name three responsibilities of citizenship.

**c. To obey the law, vote in elections, eliminate discrimination and racism.**

3. List four rights Canadian citizens have.

**a. Presumption of innocence, right to vote, right to preference for federal employment.**

## Languages

1. What are the two official languages of Canada?

**b. English and French**

2. Which province has the most bilingual Canadians?

**b. Quebec**

## Symbols

1. What does the Canadian flag look like?

**c. A maple leaf**

2. Give the first two lines of Canada's national anthem.

**a. O' Canada our home and native land. True patriots love by all thy sons command.**

## Geography

1. What is the population of Canada?

**b. 33,000,000**

2. What is the capital city of Canada?

**c. Ottawa**

**KEY**

3. Which mountain range is on the border between Alberta and British Columbia?

**a. Rocky Mountains**

### **Economy**

1. What country is Canada's largest trading partner?
- c. United States**
2. Which region is known as the industrial and manufacturing heartland of Canada?
- b. Central Canada**
3. Which region of Canada is known for both its fertile agricultural land and valuable energy resources?
- b. Prairie Region**

### **Federal Government**

1. Who is Canada's Head of State?
- b. Governor General (The Queen)**
2. What is the name of the current Governor General?
- c. Michaëlle Jean**
3. What is Canada's system of government called?

**Parliamentary Government or Constitutional Monarchy are acceptable answers although the website gives the first as the correct choice.**

4. What are the three parts of Parliament?
- a. Senate, House of Commons, Governor General (The Queen)**
5. What are the three levels of government in Canada?
- b. Local, Provincial, Federal**

### **Federal Elections**

1. How many electoral districts are there in Canada?
- c. 308**
2. What three requirements must you meet in order to vote in a federal election?
- a. A citizen, 18 years, registered to vote**
3. When does an election have to be held according to the *Constitution*?
- b. At least once every 5 years**
4. Name the Prime Minister of Canada and his party.
- a. Stephen Harper, Conservative Party**
5. How are senators chosen?
- b. Appointed by the Governor General on the advice of the Prime Minister.**

### **Questions about your Region**

1. What is the capital city of the province or territory in which you live?
- a. Victoria**
2. List three natural resources important to your region's economy.
- a. Lumber, fish, minerals**
3. What is the name of the premier of your province or territory?
- c. Gordon Campbell**

## Activity Sheet 2-1: The Voyage of the Komagata Maru

### Lesson 10

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

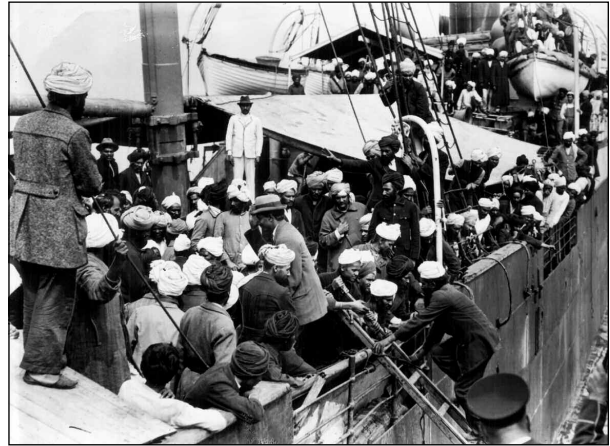
The story of the Komagata Maru is one of the dark moments in Canada's immigration history as it reminds us of the racial and cultural intolerance that existed in the social landscape of British Columbia for the first half of the 20<sup>th</sup> century.

It is the story of an Indian businessman, Gurdit Singh, who challenged Canada's racist colour barrier by bringing a boat filled with 376 Indian immigrants to the shores of Canada to challenge the country's discriminatory immigration laws. What follows is a point-by-point summary of some key events that tell the story of the Komagata Maru.

#### The Beginning

Gurdit Singh was an Indian businessman who had his hand in many business ventures. In December 1913, Singh arrived in Hong Kong with a lawsuit against former business partner and found hundreds of unemployed Sikhs looking for passage to Canada for work. He was aware of the growing Indian nationalist movement and of the discriminatory immigration laws in Canada. Singh saw the voyage to Canada as an act of patriotism that would earn him recognition among nationalists in India. It was then that the idea of renting a merchant ship and transporting Indian immigrants came to mind.

At this time there was organized support in Vancouver urging him on and giving him every reason to believe that a new law ('continuous passage') could be challenged in court - but he needed a ship. He found the Komagata Maru, which was owned by a Japanese shipping company, and signed a contract for six months at \$11,000 Hong Kong dollars per month. The merchant ship was built in 1890, was about 300 feet long and 40 feet across, and had one 265-horsepower diesel engine.



Vancouver Public Library #6232

Singh put up some money and his assistant sold passage to Canada for \$210 Hong Kong dollars per man.

#### The Voyage to Canada

The ship left Hong Kong on March 25, 1914 with only 165 passengers, though it had room for over 500. The ship arrived in Shanghai, China on April 8, 1914 and an associate arranged for 73 more passengers. An additional 38 people would board in Japan. At final departure, on May 2, 1914, the ship had 24 Muslims, 12 Hindus and 340 Sikhs.

The journey across the Pacific was slow and arduous for the passengers. It took more than two weeks to cross the Pacific from Yokohama, Japan. The passengers survived on water, cabbage and rice. They were in very cramped quarters, as there were no cabins or formal bunks on the ship. Balwant Singh, a passenger, was the first to step off the steamer in Victoria on May 20 after 18 days at sea.

#### Arrival in Canada

After the health officer inspected the ship and gave it a clean bill of health, it was off to Vancouver where it arrived on May 23, 1914. Upon arrival, Singh proclaimed, "We are British citi-

zens and we consider we have a right to visit any part of the Empire.” He followed with, “We are determined to make this a test case and if we are refused entrance into your country, the matter will not end here.”

Within a short time the owners of the ship demanded the remaining monies be paid in full and the local *gurdwara* had to raise the funds on behalf of the passengers and Singh. Immigration officials did not allow the majority of passengers to leave the ship and the case went to court.

The ship sat in Coal Harbour (Stanley Park) for over a month with no fresh provisions and sweltering heat. The occupants suffered from repressive boredom. On July 19 local police and immigration officials, numbering about 125, attempted to board the vessel by force and demand that it leave. A small skirmish ensued and the passengers of the ship managed to beat back the police using any means at their disposal including pieces of metal, rotten food, sticks and other implements found on the ship. The citizenry of Vancouver was not in support of the immigrants or their plight and constant pressure was applied to have Singh and the ship raise anchor and leave - but the passengers would not until they had a full hearing in court.

The federal government then ordered the HMCS Rainbow, a recently-acquired but not fully operational destroyer, to help convince the Komagata Maru to leave the harbour under the implied threat of an assault by the gunship. Singh and others negotiated for some fresh water, food stores and time to refuel and agreed to leave. The court case failed, the test was rejected as the ship had not made a ‘continuous passage.’ They complied and on July 24, 1914 the vessel began its voyage to Hong Kong, via Kobe and Yokohama.

### The Return Voyage and Epilogue

Threatened with arrest if they landed in Hong Kong, the ship and its passengers were sent on to Madras and then Calcutta. The British government had agents following the ship and its challenge to Canada’s discriminatory immigration laws since it first left Hong Kong in May.

The colonial government in India was embarrassed and angered by the actions of the passengers. Upon arrival the British forced the ship up the Hooghly River to the city of Budge Budge (20 miles from Calcutta) where the passengers were forced to disembark and walk. The passengers had been promised train rides to the Panjab or to Calcutta, however the British denied making such promises. This angered the passengers that had been forced to walk long distances, and in the ensuing scuffle 8 passengers were shot dead by British forces.

Back in Vancouver, Bela Singh (a British informant) had seen two of his associates (informants) murdered in town. When at the funeral for one of his associates, Singh opened fire on those he held responsible for the murders.

Witnesses testified that Bela Singh fired in self-defense. Mewa Singh, a known Indian nationalist who was in the courthouse, shot Inspector Hopkinson, a local British informant/agent, outside the front steps of the provincial courthouse as revenge for the British interference in the Komagata Maru.

Mewa Singh was convicted in just 44 minutes and sentenced to death by hanging. Bela Singh was put on trial for the murders at the *gurdwara* but was acquitted in a short trial. With tragic circumstances in Canada and India came the end to the journey of the Komagata Maru.

*Material adapted from “The Voyage of the Komagata Maru: The Sikh Challenge to Canada’s Colour Bar” (Johnston, 1989)*

## Activity Sheet 2-2: The 'Continuous Passage' Act

### Lesson 10

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

The City of Vancouver had only recently witnessed the outbreak of racial anger and hostility towards the Japanese, Chinese, and, to a lesser extent, Indian immigrants of the city. On September 7, 1907, a white mob rioted through the Japanese and Chinese quarters of the city, causing tens of thousands of dollars in damage and assaulting a large number of Chinese and Japanese. It was an outburst of anger and hostility based on the belief that BC was being overrun by Asian immigrants.



It was out of this climate of racial hostility and intolerance that the federal government enacted the 'Continuous Passage' law to reduce the inflow of Japanese, Chinese and Indian immigrants. The act read as follows:

*"...THEREFORE the Governor general in Council is pleased to Order and it is hereby Ordered that, ... immigrants may be prohibited from landing or coming into Canada unless they come from the country of their birth, or citizenship, by a continuous journey and on through tickets purchased before leaving the country of their birth, or citizenship."*

Wednesday, 8th Day of January, 1908

The law applied to all immigrants but the federal government understood that there were few direct steamship routes from India to Canada and that many Japanese immigrants had arrived via Hawaii. The government forced the Canadian Pacific Steamship Company (same group as the C.P.R.) to shut down the one direct route it offered. Thus in a very short time the inflow of Indian and Japanese immigrants was a trickle. The law remained in effect until 1947 when a number of discriminatory immigration laws and restrictions were removed. It was this law that Gurdit Singh, local Indian nationalist groups and the passengers challenged unsuccessfully in the summer of 1914.

## Activity Sheet 2-3: A Moral Dilemma

### Lesson 10

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### The Komagata Maru Incident

In the early 1900s British Columbia was becoming a popular new home for Indian immigrants. Since India was part of the British Empire, along with Canada, these immigrants were entitled to admission to Canada as British subjects. There was no such thing as 'Canadian Citizenship' in 1914 as we were part of the British Dominions and were called 'subjects'.

However, most white British Columbians were less than enthused about letting more Asians into the province as had been proven during the anti-Asiatic riots of 1907. The government of Canada could not legislate directly against the entry of British subjects so it cleverly crafted the "continuous passage" law to reduce immigration from India and Japan (many Japanese were arriving via Hawaii).

Back in India, however, nationalist movements were taking root, putting pressure on the British to live up to the democratic ideals that they preached throughout the Empire. The British, and therefore Canadian, governments could not afford to give these nationalist groups any cause to rally public support by crafting an openly racist immigration act. In this complex scene we find the tragic voyage of the Japanese merchant ship Komagata Maru laden with more than 300 immigrant Sikhs looking for work and a home in Canada. Read *Activity Sheet 2-1: The Voyage of the Komagata Maru* prior to completing the activities below.

#### Research Questions

1. Why did Gurdit Singh organize the voyage of the Komagata Maru?
2. How would immigration officials defend their position on not allowing the Sikhs entry into Canada? Were they justified?
3. Were the passengers justified in using force to repel the Vancouver Police? Was the government justified in using the HMS Rainbow to force the ship out of the harbour?
4. Consider how each of the following groups should hold responsibility for the many deaths that occurred as a result of this incident: Canadian Government, British Government, Gurdit Singh, and the Indian Nationalist Movements (Canada, USA and India).

#### A Moral Dilemma

After completing all of the research steps you are now prepared to make a judgment on the Komagata Maru incident. The federal government is giving consideration to a formal apology in the House of Commons to all Canadians of South Asian ethnicity (Sikh, Hindu and Muslim) as a form of reconciliation for the tragedy wrought by the incident. They have asked you, an average Canadian, to consider the following moral question:

"Did the federal government have a moral obligation to allow British subjects from India to enter Canada in 1914? Why or why not? Should the government of Canada make a full apology and redress today for the incident?"

Consider the following when writing your response: the 'Continuous Passage' Act, the citizenship of Indian immigrants in 1914, the racial and economic climate of British Columbia in 1914, the role of Indian Nationalism on British and Canadian policy, federal government responsibility for deaths in India and Canada, and the true motives of Gurdit Singh and passengers. You may present your response in writing (computer-printed, please), a presentation to the class, a multimedia presentation or a method of your choice with teacher consultation. If you are interested, you could consider looking into the issue of redress and reconciliation in this case in more depth. Find out if you can express your views (after review by your teacher) to the federal government.

(BC Archives Collections-call number: D-05577)



### Lesson 11: International and Environmental Law

#### ■ Overview

This lesson will introduce students to the concept of international law, dispute resolution and international human rights. Students will learn about the International Court of Justice, International Criminal Court and two International Criminal Tribunals (Yugoslavia and Rwanda). In activity three environmental law will be examined through an investigation and discussion around the issue of carbon credits and the Kyoto Accord and our capacity to impact carbon emissions.

#### ■ Objectives

Students will

- Demonstrate knowledge of the various international courts and tribunals used to resolve international disputes and justice claims.
- Analyze and assess the effectiveness of select international courts/tribunals with respect to claims for justice, redress or reconciliation.
- Understand the place of international law and dispute resolution within the larger framework of Canada's legal system.

#### ■ Basics for the Teacher

See *Activity Sheet 1-1: The International Court of Justice*, *Activity Sheet 1-2: The International Criminal Court*, *Activity Sheet 2-1: The International Criminal Tribunal for Rwanda* and *Activity Sheet 3-1: Kyoto Accord* for the basics for this lesson.

#### ■ Student Handouts

*Activity Sheet 1-1: The International Court of Justice*

*Activity Sheet 1-2: The International Criminal Court*

*Activity Sheet 1-3: People Hunt, Web Quest and Mock Tribunal*

*Activity Sheet 1-4: People Hunt*

*Activity Sheet 2-1: The Tragedy of Rwanda*

*Activity Sheet 2-2: The International Criminal Tribunal for Rwanda*

*Activity Sheet 3-1: Kyoto Accord*

*Activity Sheet 3-2: Psst, You Wanna Buy Some Carbon?*

#### ■ Instructions for the Teacher

##### Activity 1: International Court of Justice and International Criminal Court

Students are introduced to the International Court of Justice and International Criminal Court. Provide students with *Activity Sheet 1-1: The International Court of Justice* and *Activity Sheet 1-2: The International Criminal Court* with background information on the International Court of Justice (ICJ) and International Criminal Court (ICC). Students will not have much understanding of these two bodies and it is recommended that a note-taking activity be used here (two column notes, Cornell notes, web diagram).

Part A: When the sheets have been reviewed, hand out *Activity Sheet 1-3: People Hunt, Web Quest and Mock Tribunal* and *Activity Sheet 1-4: People Hunt* and set up the activity. Essentially the students are looking for people in the class that can answer any question on the sheet. They must write down the answer and have the student sign the box beside the question that was answered. Students cannot answer their own questions or sign their sheet and you should not provide answers. Allow no more than 15-20 minutes for this activity because the time pressure will add to the experience and increase the active participation of the class. Review and offer a prize, bonus marks or participation marks to students.

Part B: The second part of Activity Sheet 1-3: *People Hunt, Web Quest and Mock Tribunal* is a Web Quest at the ICC to research current war crimes or acts of genocide and identify the people, nations and victims involved. Students are to write a summary of the research and present this to the class (this could be optional). If students do not have access to the Internet at home or school the research can be conducted using traditional media sources, though this may take more time and require the assistance of a librarian. The report should provide a summary of the event in question, identify the victims, identify the perpetrators, provide some historical context and comment on any international involvement.

Part C: The third part of Activity Sheet 1-3: *People Hunt, Web Quest and Mock Tribunal* is an optional activity and will require several classes for research and to act out the tribunal. The tribunal will put the United Nations (UN) on trial for its inability to prevent war crimes, rather than using the tribunal to act out the trial of war criminals. In that sense, the mock tribunal is not designed to teach students about the actual tribunal process but to investigate and think critically about the role of the UN in preventing war crimes, genocide or ethnic cleansing around the globe.

The roles required are: Chief Justice, Secondary judges (2-4), counsel for the UN (1-3), counsel for the aggrieved nation (1-3), high ranking UN official, expert witnesses (UN bureaucrats, analysts, scholars), a high ranking member of government from aggrieved nation, witnesses to any of the events (acts of genocide or UN actions) and any physical evidence you want to introduce (pictures, video, maps, documents). Student teams would create the roles, prepare evidence and organize the tribunal.

### **Activity 2: Genocide in the 20th Century**

The first activity will engage students in conducting research focused on historic examples of genocide in the 20<sup>th</sup> century. It is recommended to discuss the nature of genocide and to make your students aware that sensitivity and historical empathy are important considerations when researching genocide.

It is very likely that you will have students that have been touched by one or more of the acts of genocide described in this activity, thus cautions are important for you and the students. Provide them with *Activity Sheet 2-1: The Tragedy of Rwanda* and

review the steps in Part A. Students are asked to choose one example of genocide from the list, conduct background research, apply the 'stages of genocide' and prepare a brief presentation for the class.

The stages are to be examined from the perspective of the example in the chart and are useful for getting the students to recognize that genocide is never a random or arbitrary act. The assignment sheet recommends a written report but you are free to adapt and adjust the end product to meet the time frame, student ability and access to multimedia in your classroom.

In the second activity students will examine the tragedy of Rwanda and the failure of the UN in this series of activities. Provide students with *Activity Sheet 2-2: The International Criminal Tribunal for Rwanda* and read through this as a class. The handout contains details about the structure of the International Criminal Tribunal for Rwanda (ICTR) and the prosecution of war criminals by the tribunal.

The next step requires a copy of the documentary "Shake Hands with the Devil: The Journey of Roméo Dallaire" or one of the films on the genocide of Rwanda. If these are not accessible, you can use Dallaire's book to provide the necessary background information. Have students complete the question set after viewing the film or gathering notes on the genocide. Debrief the questions and conduct an open conversation about the nature of genocide, the actions of international bodies in preventing such crimes against humanity and the potential for future crimes.

As an optional follow-up or as an extended activity on Rwanda, use the information in *Activity Sheet 2-2: The International Criminal Tribunal for Rwanda* under *Relevance for Peace and Justice for Rwanda and Africa* to critically assess the current status of war crimes or crimes against humanity in Africa. Consider the most recent events in Darfur, Sudan to suggest that the ICTR and prosecution of war criminals in Rwanda has not deterred other nations from committing acts of genocide.

### **Activity 3: Kyoto Accord**

This lesson will examine the complex but important issue of carbon credits and carbon trading. Provide students with *Activity Sheet 3-1: Kyoto Accord* which discusses the Accord, carbon credits, carbon trading

and carbon taxes. You may want to assign the reading one class prior to the activity, assign a note-taking activity or conduct an active listening exercise while reading through the material with the class. When you are confident the students have an understanding of the material, move to the next step.

Give groups (4 students per group) a copy of *Activity Sheet 3-2: Psst, You Wanna Buy Some Carbon?*, poster paper, four felt markers and an explanation of the placemat activity. Have students write down advantages of reducing greenhouse gases via the carbon credit/carbon trading system established in Kyoto. They will then choose the four best answers and place them in the centre of the placemat. Discuss the choices with the class.

Have students draw two columns in their notebooks and instruct them to copy out the advantages shared during the placemat activity. The other half of the chart is to be completed by writing out disadvantages of a carbon credit/carbon trading system. When the majority of students are done, conduct a discussion on the various disadvantages and draw out the key points about carbon credits/carbon trading.

Students will then be asked to prepare a project that will reduce their carbon footprint. You can decide if the projects are to be done individually, in pairs or in small groups. The project should have a tangible end-product that can be viewed, charted, or presented to the class. A flexible approach will allow students to choose project that they are motivated to complete. Provide a timeframe for the projects and encourage students to report on their progress, including a summative presentation.

## ■ Assessment

The *Activity Sheet 1-4: People Hunt* can be graded out of 10 marks or scored as a participation activity. *Activity Sheet 2-1: The Tragedy of Rwanda Answer Key* provides answers to the questions posed in the documentary on the Rwandan genocide. Student answers may vary depending upon their base of knowledge, understanding of the events or open-ended questions. The questions are presented more to stimulate discussion than as a tool for assessment. Assessment of the research on historic examples of genocide should apply the following criteria: accuracy of research, application of stages, understanding of stages, organization of presentation and creativity. The project on reducing their carbon footprint can be assessed by you and your students using a standard rubric.

## ■ Extension Activities

1. Conduct research on international bodies that resolve disputes outside of the UN, for example the World Trade Organization (WTO), Asia Pacific Economic Cooperation (APEC), Group of 8 (G8), or the International Maritime Organization. Prepare a brief report on your research using case examples.
2. Investigate the League of Nations, a pre-United Nations global security and dispute resolution body from 1919 to 1939. The League of Nations presided over a number of critical disputes in the 1930s (Japanese invasion and war crimes in China, the annexation of territory from Czechoslovakia and the invasion of Ethiopia by Italy). Choose one dispute and examine the effectiveness of the League and comment on its eventual demise.
3. Assess the role of the Canadian government in the genocide committed in Rwanda. The United Nations Assistance Mission for Rwanda (UNAMIR) was lead by a Canadian but there were very few Canadian ground troops in Rwanda. Investigate the lack of commitment by the Canadian military in Rwanda and why Canada failed to act even when requested by Lieutenant-General Dallaire.
4. Contact Amnesty International, or a similar organization, and volunteer your time in the fight against human rights violations. There are a number of national and international organizations dedicated to reporting on and preventing human rights violations globally.
5. Track your carbon footprint using the *Zero-footprint* calculator at [www.zerofootprint-kids.com/kids](http://www.zerofootprint-kids.com/kids). At this website you can measure the impact your lifestyle is having on the environment. Make a pact to change one or more of your habits to reduce the footprint and test out at a later date.
6. Organize a daily or weekly commitment at your school to reduce the number of cars in the parking lot. Teaching staff, non-teaching staff and all students can be encouraged to participate. As an alternative, create a no idling zone in the front of your school to reduce the emissions from the cars waiting to

# Activity Sheet 1-1: The International Court of Justice (ICJ)

## Lesson 11

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

The International Court of Justice, commonly referred to as the World Court, is the principal judicial body of the United Nations. Established in June 1945 by the Charter of the United Nations, it began work in April 1946. The Court was established in part because of the many disputes that arose out of the conflict and settlement of the Second World War.



The seat of the Court is at The Hague, Netherlands because of the city's long-standing history as a centre of peaceful international relations (the world's first peace conference was held in the city in 1899). The Court's role is to settle, in accordance with international law, legal disputes submitted to it by states and to give advisory opinions on legal questions referred to it by authorized United Nations bodies.

The Court is composed of 15 judges elected for terms of office of nine years by the United Nations General Assembly and the Security Council (United Kingdom, France, Russia, China and United States). The official languages of the court are English and French. Since its beginning it has heard relatively few cases but in recent decades the Court is hearing more cases.

The Court hears two types of cases 1) legal disputes between states known as *contentious cases* and 2) requests for advisory opinions on legal questions referred to it by United Nations organs and specialized agencies. These rulings are known as *advisory proceedings* and are non-binding rulings of the Court.

### Contentious Cases

Only States that are members of the United Nations or agree to be parties to contentious cases may ask to have a case heard. The Court is competent to entertain a dispute only if the

states concerned have accepted its jurisdiction and agreed to the terms it will apply for settlement. This means the Court's jurisdiction and influence is restricted by the necessity of having both sovereign states in the conflict in agreement.

A contentious case can include any number of civil matters, for example some pending cases involve the extradition of criminals to face trial (Belgium and Senegal), territorial sovereignty over an island (Columbia and Nicaragua), building pulp mills on a river (Uruguay and Argentina) and ratifying a convention on racial discrimination (Georgia and the Russian Federation).

### Advisory Proceedings

Advisory proceedings before the Court are open solely to five bodies of the United Nations and to 16 specialized agencies of the United Nations family.

The United Nations General Assembly and Security Council may request advisory opinions on "any legal question". When it receives a request for an advisory opinion, the Court, in order that it may give its opinion with full knowledge of the facts, is empowered to hold written and oral proceedings, certain aspects of which recall the proceedings in contentious cases. The ruling of the Court is not binding and may only be used as a guideline for the resolution of disputes among states. Some of the advisory rulings have been quite controversial. For example, the Court was asked to rule on whether it was legal for nations to use or threaten to use nuclear weapons. The Court's ruling suggested that such weapons were only to be used in a case of self-defence and that any other use was, in effect, a war crime.

(All material adapted from the website of the ICJ.)

## Activity Sheet 1-2: The International Criminal Court

### Lesson 11

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

The shocking atrocities and war crimes that occurred in Europe and Asia during the Second World War opened the eyes of the world to the need for a strong international body that could prosecute war criminals. The Nuremberg Trials (1945-1948) and Tokyo War Crimes Tribunal (1946-1948) used the power of international law to penalize those responsible for violations of Geneva conventions of war and crimes against humanity.



However, the trials were temporary and no permanent body was put in place by the newly-formed United Nations (UN). More genocide and atrocities occurred in the decades following (Cambodia, Yugoslavia, Uganda and Rwanda) and temporary tribunals were put in place to bring these war criminals to justice (the International Criminal Tribunal for Yugoslavia and International Criminal Tribunal for Rwanda). However, these were also temporary tribunals not courts with international jurisdiction to bring war criminals to justice. In 1998, shortly after the horror of genocide in Rwanda, the UN and a majority of member states agreed to the formation of a permanent world criminal court, the International Criminal Court (ICC).

The ICC's primary mandate is to bring to justice those who commit war crimes but are not put on trial by the home nation. The ICC is different from the International Court of Justice (ICJ) in a number of ways. The ICJ does not have criminal jurisdiction to prosecute individuals; the ICC has such a mandate. The ICJ is a civil tribunal that deals primarily with disputes between states. The ICJ is the principle judicial body of the UN, whereas the ICC is independent of the UN and is not accountable to its member states.

Like the ICJ, the ICC is based in The Hague, Netherlands. The ICC is the first ever permanent international institution with jurisdiction to prosecute individuals responsible for the most serious crimes of international concern: genocide, crimes against humanity and war crimes. The jurisdiction of the ICC will be complementary to national courts, which means that the Court will only act when countries themselves are unable or unwilling to investigate or prosecute. The ICC has strong protections for due process and procedural safeguards to protect it from abuse. It furthers victims' rights and gender justice under international law by taking cases that would not otherwise be prosecuted.

This past century has seen some of the worst atrocities in the history of humanity. In too many cases, these crimes have been committed without concern for accountability under the law. This has only encouraged others to flout the laws of humanity. States representative of the international community met in order to negotiate and agree upon the establishment of a treaty-based ICC to help end impunity and the gross violations of international humanitarian law. War crimes will go unpunished and war criminals live freely without an international court capable of prosecuting these acts. Since its inception, the ICC has put hundreds of war criminals from Uganda, Sudan, the Democratic Republic of the Congo and the Central African Republic on trial for war crimes and acts of genocide.

*(All material adapted from ICC website)*

## Activity Sheet 1-3: People Hunt, Web Quest and Mock Tribunal

### Lesson 11

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### **The International Court of Justice and International Criminal Court**

You must read *Activity Sheet 1-1: The International Court of Justice* and *Activity Sheet 1-2: The International Criminal Court* prior to completing this activity. The information contained in the briefing sheets will allow you to successfully complete the tasks assigned in this handout.

##### **Part A: People Hunt**

In this activity you will make use your classmates to find answers to a series of questions, terms and concepts about international law, international courts and cases. Use the table provided to complete the activity. You will be given a set amount of time and your goal is to have each box filled in, signed by the student and checked off. You will be asked to present some of your answers to the class at the end of the people hunt.

##### **Part B: Web Quest**

Visit the website for the International Criminal Court ([www.icc-cpi.int](http://www.icc-cpi.int)) and search out a current case involving war crimes and/or genocide (an example might be Darfur in Sudan). Choose one of the case links and follow up with some reading and research notes. Report back to the class with a summary of the case, its potential for a conviction and the potential penalty for the offender(s). Alternatively use local news media or news magazines to research a war crimes trial for Uganda, Sudan, Republic of Congo or other country.

##### **Part C: Mock Tribunal**

The tribunal will put the United Nations (UN) on trial for its inability to prevent war crimes and have you think critically about the role of the UN in preventing war crimes, genocide or ethnic cleansing around the globe.

The roles required are: Chief Justice, Secondary judges (2-4), counsel for the UN (1-3), counsel for the aggrieved nation (1-3), high ranking UN official, expert witnesses (UN bureaucrats, analysts, scholars), a high ranking member of government from aggrieved nation, witnesses to any of the events (acts of genocide or UN actions) and any physical evidence you want to introduce (pictures, video, maps, documents).

Student teams will create the roles, prepare evidence and organize the tribunal. Your teacher will assign you to one of the teams (one represents the UN and the other an aggrieved nation actual or fictional). You will need lawyers to head up your case (max. 3), one student to role play a high ranking official, expert witnesses (max. 3), eye witnesses (max. 3), and evidence in the form of documents, video, pictures or a map to provide information to the court. Your teacher will provide you with the guidelines for research time and the date at which the tribunal will begin. All roles are expected to dress appropriately for court.

## Activity Sheet 1-3: People Hunt

### Lesson 11

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

Question	Student Answer	Student Signature	Done
What is the I.C.C.?			
What is the purpose of the I.C.J.?			
What war crimes trial took place in Nuremberg?			
What is an International Criminal Tribunal?			
What African country has seen many war criminals on trial?			
Give an example of a civil dispute ruled on by the I.C.J.?			
What city would we find both the I.C.C. and the I.C.J.?			
What large international organization oversees the I.C.J.?			
Why did the U.N. help create the I.C.C.?			
Describe a disadvantage of using an international court to settle a dispute between nations?			

## Activity Sheet 1-3: People Hunt

### Lesson 11

**KEY**

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

Question	Student Answer	Student Signature	Done
What is the I.C.C.?	<b>The International Criminal Court.</b>		
What is the purpose of the I.C.J.?	<b>The International Court of Justice (The World Court).</b>		
What war crimes trial took place in Nuremberg?	<b>The trial of Nazi leaders responsible for the genocide of European Jews in W.W. II.</b>		
What is an International Criminal Tribunal?	<b>The tribunals were sanctioned by the U.N. and put men responsible for war crimes or genocide on trial (before there was the ICC).</b>		
What African country has seen many war criminals on trial?	<b>Rwanda, but could also write Uganda, Republic of Congo, or Central African Republic.</b>		
Give an example of a civil dispute ruled on by the I.C.J.?	<b>Territorial disputes, building pulp mills on a river or disagreement over the wording of a convention between states.</b>		
What city would we find both the I.C.C. and the I.C.J.?	<b>The Hague, Netherlands.</b>		
What large international organization oversees the I.C.J.?	<b>The United Nations.</b>		
Why did the U.N. help create the I.C.C.?	<b>To create a permanent court with international authority to bring war criminals to justice.</b>		
Describe a disadvantage of using an international court to settle a dispute between nations?	<b>The nations must agree to resolution by the court or it is not binding.</b>		



## Activity Sheet 2-2: The Tragedy of Rwanda

### Lesson 11

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

The Hollywood film *Hotel Rwanda* and the tragic story of Canadian Lieutenant-General Roméo Dallaire told in *Shake Hands with the Devil: The Failure of Humanity in Rwanda* will offer a glimpse into the tragedy that was lived upon over one million Tutsi and Hutu Rwandans. This activity will examine the events of Rwanda, the nature of genocide and the ineffectiveness of international law to prevent the most brutal crimes against humanity.

#### Part A: Research Acts of Genocide in the 20th Century

Research one of the following genocidal events and report to the class (*the only topic you may not choose is Rwanda*). Your presentation must not be less than five minutes and no more than 10 minutes in duration. You must provide an assignment or task for the class to complete while following your presentation. You must submit a written assessment outlining each

stage of genocide as explained in the document below (*leave out the preventative measures*). Your written report must be typed and must not be less than nine paragraphs: an introduction/overview, a description of each stage and your concluding thoughts.

Armenia (1915-1918)  
USA, Tulsa Race Riots (1921)  
Belgian Congo (1880-1920)  
Soviet Union (1932-1933)  
Nazi Germany and  
Occupied Territories (1933-1945)  
Nanking (1937)  
China (1958-62/1966-1969)  
Bangladesh (1971)  
Burundi (1972)  
Cambodia (1975-1979)  
Rwanda (1994)  
Bosnia-Herzegovina (1992)  
East Timor (1975-1999)  
Darfur, Sudan (2002-2005)

#### The Stages of Genocide

Stage	Characteristics	Preventative Measures
Classification	People are divided into "us and them."	"The main preventive measure at this early stage is to develop universalistic institutions that transcend... divisions."
Symbolization	"When combined with hatred, symbols may be forced upon unwilling members of pariah groups..."	"To combat symbolization, hate symbols can be legally forbidden as can hate speech".
Dehumanization	Dehumanization overcomes the normal human revulsion against murder."	"Hate propaganda should be banned, hate crimes and atrocities should be promptly punished."
Organization	"Genocide is always organized... Special army units or militias are often trained and armed..."	"To combat this stage, membership in these militias should be outlawed."
Polarization	"Hate groups broadcast polarizing propaganda..."	"Prevention may mean security protection for moderate leaders or assistance to human rights groups..."
Identification	"Victims are identified and separated out because of their ethnic or religious identity..."	"At this stage, a Genocide Alert must be called..."
Extermination	"It is 'extermination' to the killers because they do not believe their victims to be fully human."	"At this stage, only rapid and overwhelming armed intervention can stop genocide."
Denial	"The perpetrators... deny that they committed any crimes..."	"The response to denial is punishment by an international tribunal or national courts."

(Adapted from [Gregory Stanton](http://www.genocidewatch.org) of [Genocide Watch](http://www.genocidewatch.org) <http://www.genocidewatch.org> )

## Part B: Shake Hands with the Devil



### ***The Rwandan Genocide (1994)***

In 100 days – between April 6 and July 16, 1994 – an estimated 800,000 men, women and children were brutally killed in the obscure African country of Rwanda. The victims – many horrifically hacked to death with machetes – were Tutsi and moderate Hutus who supported them. One man was tasked by the United Nations (UN) with ensuring that peace was maintained in Rwanda – Canadian Lieutenant General Roméo Dallaire. But unsupported by UN headquarters and its Security Council far away in New York, Dallaire and his handful of soldiers were incapable of stopping the genocide.

### **The Film**

After viewing the film *'Shake Hands With The Devil: The Journey of Roméo Dallaire'*, complete these questions:

1. What was Lieutenant-General Dallaire's mission and role in Rwanda?
2. Why did the UN authorize a peacekeeping mission in Rwanda?
3. Why were they not effective in keeping the peace?
4. What role did the Belgian forces play in the events that developed in the spring of 1994?
5. Do you agree with Dallaire that Belgium had a special responsibility to assist with the problems in Rwanda? Explain.
6. Who are the Hutus? The Tutsis? What is the history of their relationship?
7. Who were the Interahamwe? What was their role in the genocide?
8. Why did the UN stand by and allow the genocide in Rwanda? Do you agree with Dallaire's view of the Western powers' indifference to the events in Rwanda?
9. Dallaire, among others in the film, suggests that nothing has changed with regard to the UN and its unwillingness to deal with conflicts like the one in Rwanda. Do you agree or disagree? Explain.
10. Should Lt. General Dallaire accept some of the responsibility for what happened in Rwanda? Explain.

## Activity Sheet 2-2: The Tragedy of Rwanda

### Shake Hands With The Devil: The Journey of Roméo Dallaire

KEY

1. What was Lt. General Dallaire's mission and role in Rwanda?  
**He was the UN Force Commander in charge of the United Nations Assistance Mission for Rwanda (UNAMIR).**
2. Why did the UN authorize a peacekeeping mission in Rwanda?  
**The signing of the Arusha Accord brought a cease fire and temporary peace to Rwanda allowing the UN to send in a peacekeeping mission.**
3. Why were they not effective in keeping the peace?  
**The UN mandate did not allow for aggressive military action and the mission was inadequately supplied in men and equipment to step in and prevent the genocide.**
4. What role did the Belgian forces play in the events that developed in the spring of 1994?  
**Belgian forces represented the old colonial regime and French influence in Africa. The Rwandan government and its extremist Hutus in the Akuzas understood that they needed Belgium to leave Rwanda. This was accomplished by murdering 10 Belgian soldiers and blaming Belgium for assassinating President Habyarimana.**
5. Do you agree with Dallaire that Belgium had a special responsibility to assist with the problems in Rwanda? Explain.  
**Student answers may vary.**
6. Who are the Hutus? The Tutsis? What is the history of their relationship?  
**The Hutus and Tutsis are the indigenous people of this region of Africa. It is through the colonial conquest of nations like France, Belgium and Great Britain that these indigenous people were forced into a contentious relationship. Since the decolonization of the 1960s, corruption, nepotism and ethnic discrimination created tension and conflict.**
7. Who were the *Interahamwe*? What was their role in the genocide?  
**These were the young Hutu militia soldiers trained by the Akuzas and Rwandan army to commit acts of genocide, rape and violence against Tutsis and Hutu sympathizers.**
8. Why did the UN stand by and allow the genocide in Rwanda? Do you agree with Dallaire's view of the Western powers' indifference to the events in Rwanda?  
**The UN did not allow the genocide intentionally, rather it was not given the mandate by the Security Council to send a larger force or expand the mandate of the existing force. Old colonial squabbles between Belgium (and its ally France) and the United Kingdom prevented any coordinated effort to support the peacekeeping mission. According to Dallaire, the Western powers, particularly the United States, did not become more involved because African nations are not considered strategic or economic priorities.**
9. Dallaire, among others in the film, suggests that nothing has changed with regard to the UN and its unwillingness to deal with conflicts like the one in Rwanda. Do you agree or disagree? Explain.  
**Student answers will vary depending on degree of knowledge and understanding of the nature of the UN. It is a very political organization, heavily influenced by the key members of the Security Council and their strategic interests-small African nations are not often viewed as a priority.**
10. Should Lieutenant-General Dallaire accept some of the responsibility for what happened in Rwanda? Explain.  
**Yes. It is arguable that he could have acted beyond his mandate and accepted the consequences later or could have been more forceful in demanding greater action from the UN. However, there were very limited moves that could have been made with the small, inexperienced and ill-equipped force that was provided for this mission.**

### Lesson 11

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

#### Introduction

Prior to the opening of the International Criminal Court (ICC) there was no single international court with the authority and jurisdiction to bring war criminals to justice. As incidents arose, the United Nations (UN) would create special tribunals to investigate, arrest and prosecute war criminals.

Recognizing that serious violations of humanitarian law were committed in Rwanda, and acting under authority of the *United Nations Charter*, the International Criminal Tribunal for Rwanda (ICTR) was initiated in November 1994. The ICTR was established for the prosecution of persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda between January 1<sup>st</sup> 1994 and December 31<sup>st</sup> 1994. It may also deal with the prosecution of Rwandan citizens responsible for genocide and other such violations of international law committed in the territory of neighbouring states during the same period.



The ICTR applied laws set out by the UN. However, these laws only apply to member states. The Tribunal consists of three parts: the Chambers and the Appeals Chamber; the Office of the Prosecutor, in charge of investigations and prosecutions; and the Registry, responsible for providing overall judicial and administrative support to the Chambers and the Prosecutor.

The tribunal was authorized to put on trial anyone accused of genocide, crimes against humanity, violations of Article 3 common to the Geneva Conventions and of Additional Protocol II. Crimes committed by Rwandans in the territory of Rwanda and in the territory of neighboring states, as well as non-Rwandan citizens who committed crimes in Rwanda were covered by the mandate of this tribunal.

The Tribunal successfully brought to trial over 50 cases and made convictions and applied sentences to many of the men involved in brutal acts of genocide. While some of the most egregious offenders remain at large and in hiding, the Tribunal has meted out sentences for many of the offenders. With the ICC in place such tribunals will become unnecessary but the value to Rwanda and to the many peoples of Africa the importance of the convictions cannot be overstated.

#### Relevance for Peace and Justice for Rwanda and Africa

##### ***Never Again***

African countries must absorb the lessons of the Rwanda genocide in order to avoid a repetition of the ultimate crime on the continent. Weak institutions in many African countries have given rise to a culture of impunity, especially under dictatorships that will do anything to cling to power.

***Evolution of Political and Legal Accountability***

It is usually individuals in power or authority that can commit genocide and crimes against humanity. This is the first time high-ranking individuals have been called to account before an international court of law for massive violations of human rights in Africa. The Tribunal's work sends a strong message to Africa's leaders and warlords. By delivering the first-ever verdicts in relation to genocide by an international court, the ICTR is providing an example to be followed in other parts of the world where these kinds of crimes have also been committed.

***Cooperation of African Countries***

The accused persons in the custody of the Tribunal in Arusha have been arrested and transferred from more than 15 countries. Several countries in Africa have increasingly cooperated with the Tribunal in the discharge of its mandate. There appears to have been a progressive realization in these countries that they cannot allow fugitives from international justice in their domain.

***Enforcement of Prison Sentences***

The Tribunal prefers, to the extent possible, enforcement of its sentences in Africa, for socio-cultural reasons. This will also have greater deterrent effect in the continent. By providing jails for the Tribunal's genocide convicts, African countries would be demonstrating a serious commitment to the rule of law. On February 12, 1999, the Republic of Mali became the first country to sign an agreement with the ICTR to provide prison facilities for the enforcement of the Tribunal's sentences. A similar agreement was signed with Benin and negotiations with other African countries are nearing conclusion.

***Political, Moral and Material Support***

Support for the tribunal by African countries is essential. Much depends upon the ultimate success or failure of the ICTR because it is dealing with crimes committed in Africa, with more than 500,000 victims. African countries and Governments should make the point that the lives of these victims are as important as those of victims of mass atrocities everywhere by giving a higher profile to the work of the International Tribunal for Rwanda. The Tribunal's work is providing important precedents for the future International Criminal Court and various national jurisdictions. It is making a fundamental contribution to international peace and justice in the twenty-first century.

*(All information adapted from ICTR website)*

## Activity Sheet 3-1: Kyoto Accord

### Lesson 11

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

In 2005 the Kyoto Protocol came into force after taking eight years for ratification by over 170 nations around the globe. The Protocol was the first international attempt at implementing a global system for the reduction of harmful greenhouse gases.

Greenhouse gases are caused by the production and use of fossil fuels. These gases interfere with the atmosphere and its ability to absorb and reflect heat from solar radiation. Like an actual greenhouse, these gases essentially make the earth warmer and are considered by most scientists to be the central cause of global warming.

The agreement signed in Kyoto is the only international attempt at creating a system of carbon credits, carbon units, carbon trading, and caps on carbon emissions production worldwide. The agreement is flawed but by 2007 there were 183 nations working toward some sort of carbon regulation, including Canada. Critics point to the fact that the United States has not signed the agreement, yet it is the world's single largest producer of carbon emissions, along with China and India (China and India have signed the agreement but do not have to begin serious reductions until after 2012).

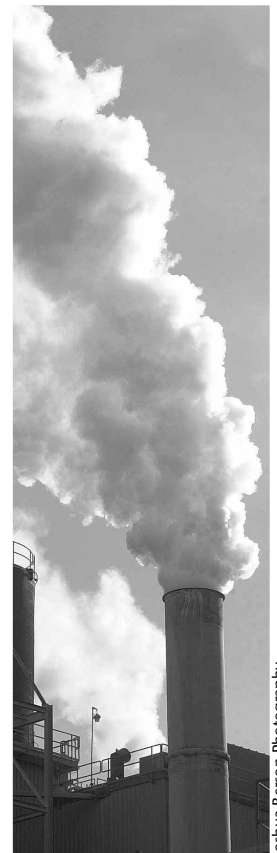
Here is how it works. One tonne of carbon emissions is equal to one carbon credit. The Protocol, and many national governments, adopted this measure as the means to manage the production of carbon emissions. For example, if your company produces 250,000 tonnes of carbon each year and the government regulates a reduction of 20%, your company may now only produce 200,000 tonnes of emissions or face a fine (or other penalty).

This should force the company to reduce its emissions. However the Protocol and market it created allows companies (and nations) to trade, buy or sell extra credits. So now the company

could choose to buy 50,000 tonnes of carbon credits rather than reducing its emissions. So what is the point of the carbon credit? Well the only companies or countries that can sell excess credits have to show evidence of a carbon reduction. These are validated by an organization created by the Kyoto agreement.

For example, if a company constructs wind-powered generators to produce energy, it will receive carbon credits because it has produced a form of energy without making a significant carbon footprint. If it does not need the credits it earned, they can be sold on an open market like any other commodity (think of carbon like gold or diamonds).

Some financial analysts predict that carbon trading and the carbon commodity market will be the largest financial market in the world in 20 years. It is the financial stimulus behind creating clean energy projects (called Carbon Offset Credits) or carbon reducing projects (called Carbon Reducing Credits) that will drive the reduction in greenhouse gases (GHG's) and save us all from global warming, or so the experts argue. There is another form of carbon reduction created through government taxation but many critics argue that the taxes collected will not translate directly into carbon reduction because some money will be allocated to other government expenses.



Joshua Berson Photography

## Activity Sheet 3-2: Psst, You Wanna Buy Some Carbon?

### Lesson 11

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

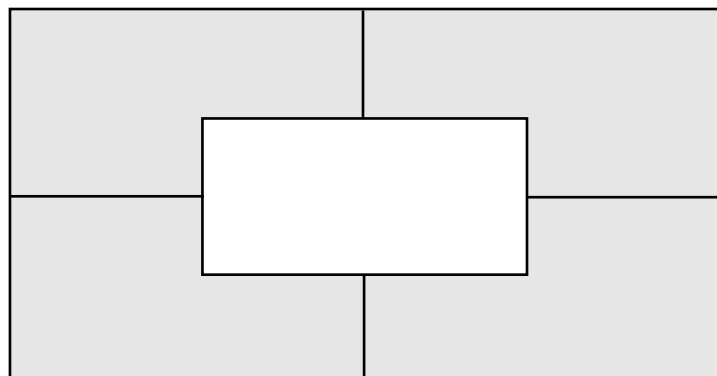
Carbon credits, carbon trading and carbon taxes are all the rage with governments around the world. In *Activity Sheet 3-1: Kyoto Accord* you read about the Kyoto Protocol and the concept of carbon credits. Now we will examine more closely the benefits of the agreement.

#### Step 1: Placemat

Your teacher will provide you with a large piece of poster paper and a felt marker for each group member. Appoint one person to draw the placemat on the paper—see the diagram below. Once the placemat is drawn each group member should have a space to write in and there will be one space in the center left open. Each group member is to write (point form is best) all of the advantages of the carbon credit/carbon trading system for the reduction of greenhouse gases and global warming. You will be given five minutes for this step and will be asked to share some of your ideas with the class and each other.

Now review the points written on your placemat and choose the four best to be written in the center section (print clearly). You will have no more than 10 minutes to complete this step and again your group will be asked to share the top four advantages of a carbon credit/carbon trading system. When all groups have been heard from, copy ALL of the advantages presented in your notebook.

#### A Placemat



## Step 2: Carbon Trading Advantages and Disadvantages

Draw two columns on your notepaper and list all of the advantages raised by the placemat activity on the left column in point form. In the right hand column you are to come up with a similar number of disadvantages of carbon trading. You may discuss these ideas as a group but should have your own points in the chart. Share your ideas with the class. By now you will have formed a clear opinion on the carbon credit concept and are ready for the next step.

## Step 3: Advocate Your Position

One of the key lessons to take from this unit is to become more active in advocating your views, supporting your community and taking action on important issues. Canada and British Columbia have agreed to support the basic principles of Kyoto (we ratified the agreement in 1998) and the concept of carbon credits/carbon trading. However, the Prime Minister has stated recently that we will not meet our carbon cap set by the agreement. While Canada is not one the largest producers of greenhouse gases we produce a similar per capita amount as the United States (per capita means per person). Canada has a responsibility to reduce its emissions and that means you and I, not just the big polluters.

Your task is to organize some form of action to reduce your carbon footprint (your footprint is roughly the amount of carbon your activities produce on a yearly basis).

Consider how often you drive, use electricity, consume petroleum-based products, use a gas lawn mower or ride a motorcycle. The action you take must be documented and you will be given a set period of time to achieve your goal or at least be moving in the right direction. You will be asked to discuss what you have done with the class. Your action may take the form of advocacy, reduction in carbon use, volunteering for an organization fighting carbon emissions, tracking daily activity, or promoting alternatives to driving at your school. You will be asked to discuss your project with the teacher and may be given the choice of forming teams. Good luck!



Joshua Berson Photography



## Unit Three ~ Active Citizenship

### Lesson 12: Civic Rights and Responsibilities

#### ■ Overview

This unit is designed to bring together many of the elements taught over the course of units one and two, creating a mind set for civic advocacy and action. In studying about law and government the lessons create a base of understanding but it is in action that we preserve, protect and reform society and this will be the focus of Unit 3.

#### ■ Objectives

Students will

- Understand how to obtain information about important civic matters and voice their opinions in a public forum.
- Identify various ways in which they can participate in the civic process at the local, provincial and national levels (e.g. political party membership, peaceful protest, volunteering, advocacy groups, voting).
- Will compare and contrast the various types of civic involvement.
- Understand the difference and importance of civic rights and civic responsibilities.

#### ■ Basics for the Teacher

There are no specific basics for this lesson.

#### ■ Student Handouts

*Activity Sheet 1-1: Your Civic Footprint*

*Activity Sheet 2-1: A Civic Action Project*

#### ■ Instructions for the Teacher

##### Activity 1: Your Civic Footprint

Students begin the lesson by exploring the concept of a 'civic footprint' not unlike our environmental footprint. Provide each student with a copy of *Activity Sheet 1-1: Your Civic Footprint*, or use an overhead projector or slide show to review the steps in the lesson. The lesson is to be completed in one class period including time for discussion. You may find students reticent to write down activities or have others that have little to write but they need encouragement to consider even the smallest act. The power comes in the discussion by emphasizing the importance of all action and the value of each student in making change. A healthy discussion will help students generate enthusiasm and identify action projects in activity 2.

##### Activity 2: A Civic Action Project

Students will form action teams, choose a local issue or concern to research, develop an action plan for change, and, if possible, carry out the plan or some part of it.

Ask students to group themselves in teams (assign teams if you prefer) and inform them that they will be taking civic action. Provide each team with a copy of *Activity Sheet 2-1: A Civic Action Project* and review the guidelines so that each team understands what is expected. Establish a time frame with the teams, but consider realistically the time it will take to complete each project. Once teams have presented the proposal (this can be done privately or as a class) and it has been approved set a deadline for completion, reflection and the class presentation. The nature of the project will determine the time needed for completion and this can be adjusted to meet class ability, interest and curriculum space.

Some possible projects are: organize a composting program at the

school, beautify a local playground or park, organize a clean up of a local stream or park, volunteer with a local support organization or create a healthy lunch promotion.

Encourage your students to get involved in their community. They can seek out volunteer hours with local service organizations or organizations that do work in Canada or globally. They can also become involved in organizations that deal with environmental issues or who help a disadvantaged group. They should research the organization beforehand so they know what the scope of work is and where there may be opportunities to become involved.

## ■ Assessment

This activity is about generating awareness and recognition of individual contributions and is not intended to have a formal assessment component. Consider participation marks if you are looking to acknowledge student contributions.

Each section or phase of the project can be assessed however you may find it best to leave any summative assessment until the completion of all work. The purpose of the lesson is to get the students involved in our communities, understand their capacity for change and to encourage thoughtful, informed discussion on relevant issues. In this light, the assessment of each project is best left to the students themselves. A reflective journal, thoughtful discussion of each project, or some form of self evaluation will provide effective learning for them and sufficient data for grading purposes.

## ■ Extension Activities

1. Have each student write a letter to the editor of a local news media, post a blog or create a webpage outlining a specific issue, key points from all sides and potential solution to the problem.
2. Have the students visit their local city council and sit in on a council meeting. Alternate dates to get a variety of impressions and topics. Each student should report back on the key issues discussed and any learning they have taken from the observation.
3. The Toskan Foundation supports a youth philanthropy project designed to provide high school students with a reality experience through a strong academic philanthropy program which gives them the skills to assess community needs. It also makes grants to charitable, grassroots organizations meeting those needs. The program was initiated by the founders of MAC Cosmetics as a means to give back to local communities in Canada. They provide financial support for projects designed to aid local social initiatives. Visit the website for information and application guidelines ([www.toskanfoundation.org](http://www.toskanfoundation.org)).

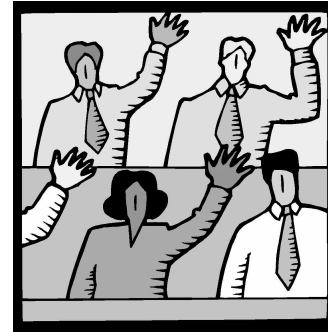
# Activity Sheet 1-1: Your Civic Footprint

## Lesson 12

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

### Step 1: How deep is your imprint?

List all of your civic contributions from the last six months in your notebook. Examples of activities that would qualify are donating time or money to a charitable cause, volunteering your time for a non-profit organization, participating in community activities, organizing or sponsoring an event or obeying the law make an imprint. Be prepared to share your experiences and details with the class.



### Step 2: Identify and understand your pattern

Your civic action, even a lack of action, demonstrates a pattern of conduct. If you have few volunteer activities or charitable contributions this does not mean you have no footprint, but it does suggest your footprint could improve. Smaller acts like recycling, putting litter in a trash can, being respectful of your neighbours and helpful to others are good examples of civic responsibility. Look back over your list and try to categorize the kind of action you have taken. Consider categories like financial gifts, volunteer labour, donations (non-financial) or respectful conduct. Then review your list in Step 1 and write the items under the appropriate categories. You will share the list and categories with the class.

### Step 3: Who can help?

One of the reasons that youth do not become active citizens is because they are not aware of the agencies, groups, people or organizations that require help. In this step consider the names of people, groups, organizations or agencies that might require financial gifts, volunteer time, organizational support, fundraising or simple participation. Write out your list and share it with the class.

### Step 4: Modify your footprint

At this point you have thought about your civic footprint, considered options, reflected on the depth of your contribution and identified potential sources to contact. Change, as with most human behaviour, comes in small steps not in giant leaps. In this final step you are to write a small plan of action to increase your civic footprint. It is to be written as a personal testament to action which you are to date, sign and hand to the teacher. At a point later in the year your teacher will call upon you to inquire about your progress.

## Activity Sheet 2-1: A Civic Action Project

### Lesson 12

Name: \_\_\_\_\_ Block: \_\_\_\_\_ Date: \_\_\_\_\_

*"The next time they give you all that civic bull about voting, keep in mind that Hitler was elected in a full, free democratic election."*

*- George Carlin, an American comedian and satirist.*

The lessons you have completed offered opportunities to form reasoned views on issues and to participate in socially relevant projects and real-life learning for the purpose of developing civic mindedness. The lessons have attempted to relate the learning to our civic duties and expectations, enhance your sense of membership in society, and increase your capacity to take more active roles as citizens of Canada and the world. Civic action is more than obeying the law and voting in an election - it is about making a contribution to society. In this final lesson you are asked to put all that you have learned into action by designing and carrying through an action project.

### Part 1: The Proposal

Your first step is to form a civic action team of not more than four class members and prepare a proposal for review and approval by your teacher. You will have no more than two classes for this process. Your team must complete the following steps as part of this process:

1. Complete a report containing the following information:
  - Clarify the problem or issue. What is the problem?
  - Consider and propose a solution to the problem or issue.
  - Describe the action plan in brief.
  - What is your goal? What will you accomplish?
  - Describe the consequences: risks, benefits, and long-term impact.
2. Prepare advertisements or posters in support of your civic action.
  - Must be in colour and approved by your teacher.
  - Must be distributed throughout the school/community.
  - Must provide the key details of your project.
  - Must take down and clean up all materials.

## Part 2: The Civic Action

Now is the time for action; but you need to be organized and efficient with your time and resources. Plan carefully and make the necessary arrangements with staff, parents, volunteers and team members to accomplish your goals. Create a task list with the names of all participants and their respective duties. Include contact numbers/email to facilitate communication. Prepare a calendar with the respective actions, meetings, interviews, and dates for your project. Bring a digital camera or digital video camera to film your civic acts to assist with your class presentation (may be useful for your graduation portfolio/grad transitions). If you are taking a picture in a public place you do not need permission but if you are taking a picture of an individual, make sure you have permission from that person.



## Step 3: Results

Here you will evaluate the project and reflect on the original goals, planning and purpose of your action plan. This phase cannot be complete until the action has taken place. However it is wise to keep a personal log as you go through the process so that you may reflect on the earlier phases. If you could do it over again what would you do differently? Prepare a report that covers the elements listed above.

## Part 4: Presentation

Your next step is to prepare a presentation that explains and describes the civic action undertaken by your team. The presentation must include the elements from steps 1, 2 and 3, a visual component (include footage from your action) and a self-reflection piece. The presentation should be 10-20 minutes in length.